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LEGISLATIVE HISTORY

Public Law 86- 509
H. R. 7681

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INDEX AND SUMMARY OF H. R. 7681

May	12, 1959	President submitted Reorganization Plan No. 1 of 1959. H. Document No. 140. Print of document.
June	11, 1959	H. R. 7681 was introduced by Rep. Smith, Iowa, and referred to the House Government Operations Committee. Print of bill as introduced. Rep. Smith, Iowa, submitted resolution to disapprove Reorganization Plan No. 1 of 1959 (H. R. 7681) which was referred to the House Government Operations Committee. H. Res. 295. Print of resolution.
June	15, 1959	House subcommittee voted to report to the full committee H. R. 7681 and H. Res. 295.
June	24, 1959	House committee voted to report (but did not actually report) H. Res. 295.
June	26, 1959	House committee reported H. Res. 295 without amendment. H. Report No. 586. Print of resolution and report.
July	1, 1959	House committee voted to report (but did not actually report) H. R. 7681.
July	3, 1959	House committee reported H. R. 7681 with amendment. H. Report No. 633. Print of bill and report.
July	6, 1959	House began and concluded debate on H. Res. 295.
July	7, 1959	House agreed to H. Res. 295. Print of resolution as agreed to.
Sep.	2, 1959	House passed H. R. 7681 under suspension of the rules (with amendment).
Sep.	3, 1959	H. R. 7681 was referred to the Senate Government Operations Committee. Print of bill as referred.
May	10, 1960	Senate committee voted to report (but did not actually report) H. R. 7681.
May	16, 1960	Senate committee reported H. R. 7681 without amendment. S. Report No. 1353. Print of bill and report.

INDEX AND SUMMARY OF H. R. 7681, cont'd:

May	26, 1960	Senate passed over, at the request of Sen. Bartlett, H. R. 7681.
June	1, 1960	Senate made H. R. 7681 its unfinished business.
June	3, 1960	Senate passed H. R. 7681 without amendment.
June	11, 1960	Approved: Public Law 86-509.

DIGEST OF PUBLIC LAW 86-509

TRANSFER OF AUTHORITY OVER FOREST LANDS. Transfers to the Secretary of Agriculture certain functions of the Secretary of the Interior under the Act of March 20, 1922, as amended, and certain other Acts, relating to exchanges of national-forest lands reserved from the public domain and timber therefrom for other lands within the national forests, to sales of small tracts of national-forest lands, and to utilization of sand, gravel, stone, pumice, and some other common materials from acquired national forest and other lands.

REORGANIZATION PLAN NO. 1 OF 1959

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REORGANIZATION PLAN NO. 1 OF 1959, PREPARED IN ACCORD-
ANCE WITH THE REORGANIZATION ACT OF 1949, AS AMENDED,
AND PROVIDING FOR TRANSFER OF CERTAIN FUNCTIONS FROM
THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF
AGRICULTURE

MAY 12, 1959.—Referred to the Committee on Government Operations and
ordered to be printed

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1959, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for transfer of certain functions from the Secretary of the Interior to the Secretary of Agriculture.

Both the Department of Agriculture and the Department of the Interior now have responsibilities with respect to certain land or timber exchanges and land sales involving Federal lands. Also, the Department of the Interior is responsible for the use and disposal of mineral materials from acquired lands which are under the jurisdiction of the Secretary of Agriculture. By placing certain functions pertinent to these matters in the Department which administers the lands, Reorganization Plan No. 1 of 1959 will bring about simplification of the work of the two Departments relating to such matters, more expeditious and economical performance of such work, and clarification of responsibilities concerning the work.

The Exchange Act of March 20, 1922 (42 Stat. 465), as amended, authorizes the exchange of national-forest land or timber for other lands within the boundaries of the national forests. The national forests are administered by the Department of Agriculture. Under this law and the seven other land-exchange statutes cited, the Secretary of the Interior must make determinations as to whether a trans-

action is in the public interest, must review and accept titles, and adjudicate appeals. With exceptions indicated in the transmitted reorganization plan, including exceptions with respect to the issuance of patents to lands, the plan provides for the transfer of the functions of the Secretary of the Interior under these exchange statutes to the Secretary of Agriculture, who administers the national forests. The Secretary of the Interior also has the responsibility under the act of April 28, 1930 (46 Stat. 257) to reconvey lands under the jurisdiction of the Secretary of Agriculture not accepted in exchange transactions. These functions either are duplications of those performed by the Department of Agriculture or can be more easily performed by that Department as it administers the lands involved and has detailed information and records.

The Tongass Timber Act of August 8, 1947 (61 Stat. 920), authorizes the sale of tracts of national-forest land found reasonably necessary for the processing of timber from the Tongass National Forest. Under the act the Secretary of the Interior must appraise and sell such lands, with concurrence of the Secretary of Agriculture. The Department of Agriculture administers the land involved, has personnel on the ground, and can perform this function most expeditiously and economically.

Section 10 of the Weeks law of March 1, 1911 (36 Stat. 962), authorizes sale of small tracts of acquired national-forest land found chiefly valuable for agriculture. Under the act of Secretary of the Interior must join in the promulgation of joint regulations. Such lands are administered by the Department of Agriculture and sale of them is not related to programs of the Department of the Interior. This function can be most easily and economically performed by the Secretary of Agriculture.

Under the act of July 31, 1947 (61 Stat. 681), as amended, the Secretary of Agriculture can dispose of common varieties of sand, gravel, stone, pumice, and other materials from lands reserved from the public domain which are under his jurisdiction. With respect to these materials in acquired lands under the jurisdiction of the Secretary of Agriculture such disposal must be by the Secretary of the Interior. The reorganization plan will place in the Secretary of Agriculture the same authority in regard to such materials in acquired lands under his jurisdiction as he now exercises for other lands. Such activity most efficiently and economically can be performed by the Secretary of Agriculture in conjunction with other management activities on lands he administers.

By providing sound organizational arrangements, the taking effect of the reorganizations included in the accompanying reorganization plan will make possible more economical and expeditious administration of the affected functions. It is, however, impracticable to itemize at this time the reductions of expenditures which it is probable will be brought about by such taking effect.

After investigation, I have found and hereby declare that each reorganization included in the reorganization plan transmitted herewith is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 12, 1959.

REORGANIZATION PLAN NO. 1 OF 1959

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 12, 1959, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended

CERTAIN LAND EXCHANGES AND OTHER MATTERS

SECTION 1. Except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The functions of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(1) The functions of the Secretary of the Interior under section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947, 61 Stat. 681, as amended by the Act of July 23, 1955, 69 Stat. 367 (30 U.S.C. 601 et seq.).

SEC. 2. (a) Upon exchange of national forest lands under the provisions of law referred to in sections 1 (a), (b), (c), (f), and (g) hereof the Secretary of the Interior, on recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(b) All conveyances under the Act referred to in section 1(h) hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

(c) Upon the sale of lands under the section referred to in section 1(j) of this reorganization plan the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, shall issue the patent therefor.

SEC. 3. The functions transferred to the Secretary of Agriculture by the provisions of this reorganization plan shall be subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633).



86TH CONGRESS
1ST SESSION

H. R. 7681

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1959

Mr. SMITH of Iowa introduced the following bill; which was referred to the
Committee on Government Operations

A BILL

To enact the provisions of Reorganization Plan Numbered 1
of 1959 with certain amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That except as otherwise provided in section 2 hereof, the
4 following functions are hereby transferred to the Secretary
5 of Agriculture:

6 (a) The functions of the Secretary of the Interior under
7 the Act of March 20, 1922, 42 Stat. 465, as amended (16
8 U.S.C. 485, 486), with respect to exchanges of non-Federal
9 lands for national forest lands or timber.

10 (b) The functions of the Secretary of the Interior
11 under the Act of February 2, 1922 (42 Stat. 362), with

1 respect to exchanges of lands in private ownership within
2 or within six miles of the Deschutes National Forest for
3 national forest lands, or for timber from any national forest,
4 in the State of Oregon.

5 (c) The functions of the Secretary of the Interior under
6 the Act of June 7, 1924 (43 Stat. 643), except section 2
7 thereof, with respect to exchanges of privately owned lands
8 for national forest timber in New Mexico.

9 (d) The functions of the Secretary of the Interior under
10 the Act of January 12, 1925 (43 Stat. 739), except section
11 2 thereof, with respect to exchanges of privately owned
12 lands for national forest timber in New Mexico.

13 (e) The functions of the Secretary of the Interior under
14 the Act of April 21, 1926 (44 Stat. 303), except section
15 2 thereof, with respect to exchanges of privately owned
16 lands for national forest lands or timber in New Mexico and
17 Arizona.

18 (f) The functions of the Secretary of the Interior under
19 section 2 of the Act of May 26, 1926 (44 Stat. 655; 16
20 U.S.C. 38), with respect to exchanges of lands held in
21 private or State ownership for national forest lands or timber
22 in Montana.

23 (g) The functions of the Secretary of the Interior under
24 the Act of June 15, 1926 (44 Stat. 746), with respect to

1 exchanges of State lands for national forest lands in New
2 Mexico.

3 (h) The functions of the Secretary of the Interior under
4 the Act of December 7, 1942 (56 Stat. 1042), with respect
5 to exchange transactions in which lands under the jurisdic-
6 tion of the Secretary of Agriculture are exchanged for State
7 lands in Minnesota which are to be under the jurisdiction
8 of the Secretary of Agriculture after their acquisition by the
9 United States.

10 (i) The function of the Secretary of the Interior
11 (originally vested in the Commissioner of the General Land
12 Office) under section 6 of the Act of April 28, 1930 (46
13 Stat. 257; 43 U.S.C. 872), with respect to execution of
14 quitclaim deeds for lands conveyed to the United States in
15 connection with exchange transactions involving lands under
16 the jurisdiction of the Secretary of Agriculture.

17 (j) The functions of the Secretary of the Interior under
18 section 2 (b) of the Joint Resolution of August 8, 1947
19 (61 Stat. 921), with respect to appraisals and sales of cer-
20 tain lands within the Tongass National Forest.

21 (k) The functions of the Secretary of the Interior under
22 section 10 of the Act of March 1, 1911 (36 Stat. 962; 16
23 U.S.C. 519), with respect to sales of small tracts of acquired
24 national forest lands found chiefly valuable for agriculture.

1 (1) The functions of the Secretary of the Interior under
2 section 402 of Reorganization Plan Numbered 3 of 1946
3 (60 Stat. 1099), section 3 of the Act of September 1, 1949
4 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950
5 (64 Stat. 311; 16 U.S.C. 508b) section 3 of the Act of
6 June 28, 1952 (66 Stat. 285), or otherwise, with respect
7 to the use and disposal from lands under the jurisdiction of
8 the Secretary of Agriculture of those mineral materials which
9 the Secretary of Agriculture is authorized to dispose of from
10 other lands under his jurisdiction under the Act of July 31,
11 1947 (61 Stat. 681), as amended by the Act of July 23,
12 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

13 SEC. 2. (a) In each case covered by subsections (a)
14 through (h) and (j) and (k) of section 1 hereof, every
15 determination, decision or exercise of discretion with respect
16 to (i) whether or not lands are mineral or nonmineral in
17 character, (ii) whether or not minerals shall be reserved to
18 the United States, or (iii) the value of mineral rights in
19 land, shall be made only with the participation and approval
20 of the Secretary of the Interior. In exercising his authority
21 under this subsection, the Secretary of the Interior shall be
22 guided by the policies expressed in the laws, regulations,
23 and decisions relating to minerals under his jurisdiction.

24 (b) Nothing in this Act shall be construed to authorize

1 the Secretary of Agriculture to determine or adjudicate the
2 validity or invalidity of any mining claim or part thereof.

3 (c) Nothing in subsection (1) of section 1 hereof shall
4 be construed to authorize the Secretary of Agriculture to dis-
5 pose of coal, phosphate, sodium, potassium, oil, oil shale,
6 gas, or sulfur, or to dispose of any minerals which would
7 be subject to disposal under the mining laws if said laws
8 were applicable to the lands in which the minerals are
9 situated.

10 (d) Upon approval by the Secretary of Agriculture pur-
11 suant to the provisions of this Act of any exchange or sale,
12 respectively, of national forest lands under the provisions of
13 law referred to in subsections (a), (b), (e), (f), (g), and
14 (j) of section 1 hereof, the Secretary of the Interior, upon
15 the recommendation of the Secretary of Agriculture, shall
16 issue the patent therefor.

17 (e) All conveyances under the Act referred to in sub-
18 section (h) of section 1 hereof of national forest lands re-
19 served from the public domain shall, upon recommendation
20 of the Secretary of Agriculture, be made by the Secretary of
21 the Interior.

A BILL

To enact the provisions of Reorganization Plan
Numbered 1 of 1959 with certain amend-
ments.

By Mr. SMITH of Iowa

JUNE 11, 1959

Referred to the Committee on Government Operations

86TH CONGRESS
1ST SESSION

H. RES. 295

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1959

Mr. SMITH of Iowa submitted the following resolution; which was referred to the Committee on Government Operations

RESOLUTION

- 1 *Resolved*, That the House does not favor the Reorgan-
2 ization Plan Numbered 1 of May 12, 1959, transmitted to
3 Congress by the President on the 12th day of May 1959.

86TH CONGRESS
1ST SESSION

H. RES. 295

RESOLUTION

To disapprove Reorganization Plan Numbered
1 of 1959.

By Mr. SMITH of Iowa

JUNE 11, 1959

Referred to the Committee on Government Operations

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For Department
Staff Only)

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HIGHLIGHTS: Both Houses agreed to conference report on Interior appropriation bill (includes FS). House debated mutual security authorization bill. House subcommittee voted to report bill to enact reorganization plan to transfer forest land authorities from Interior to USDA. Rep. Brock defended current interest rates on REA loans. Senate committee voted to report mutual security authorization bill. Senate subcommittee voted to report Commerce appropriation bill.

HOUSE

1. INTERIOR APPROPRIATION BILL FOR 1960. Both Houses agreed to the conference report on this bill, H. R. 5915, and acted on an amendment in disagreement (pp. 9762-5, 9773-4, 9742). This bill will now be sent to the President. See Digest 97 for a summary of Forest Service items.
2. FORESTRY. A subcommittee of the Government Operations Committee voted to report to the full committee H. R. 7681, with amendments, to enact the provisions of Reorganization Plan No. 1 of 1959 which transfers from Interior to the Forest Service certain functions relating to the exchange or sale of forest land and timber, and the disposal of certain sand, gravel, and other materials; the subcommittee also voted to report H. Res. 295, to disapprove the reorganization plan. p. D480

3. FOREIGN AID. Began debate on H. R. 7500, to extend the mutual security program (pp. 9812-37). Agreed, 277 to 93, to the Rules Committee resolution providing for consideration of the bill (p. 9828). See Digest 95 for a summary of items of interest to this Department.

The Government Operations Committee submitted a report on U. S. aid operations in Laos (H. Rept. 546). p. 9858

4. ELECTRIFICATION. Rep. Brock defended current interest rates on REA loans, criticized statements made by the Secretary regarding REA financing, and stated that "in 10 of the 23 years of REA loan operations, rural electric borrowers paid substantially more interest on their loans than the average cost of money to the Government. In seven of the remaining years, they paid rates equal to Government costs." pp. 9848-9
5. ATOMIC ENERGY. Passed, under suspension of the rules, S. 2094, to authorize appropriations for the Atomic Energy Commission, including funds for the development of atomic reactors and for the cooperative power demonstration program. H. R. 7537, a similar bill, was tabled (pp. 9801-07). The "Daily Digest" states that this bill will now be sent to the President.
6. FOREIGN TRADE; PURCHASING. Rep. Bailey, and others, spoke in favor of enactment of legislation to strengthen the so-called "Buy American Act," so as to require the Federal Government to give greater preference in purchasing to American-produced products. pp. 9842-48

SENATE

7. COMMERCE APPROPRIATION BILL FOR 1960. A subcommittee of the Appropriations Committee voted to report to the full committee with amendments this bill H. R. 7349. p. D477
8. MUTUAL SECURITY. The Foreign Relations Committee voted to report (but did not actually report) with amendments S. 1451, the mutual security authorization bill for 1960. p. D478
9. FARM PROGRAM. Sen. Carlson inserted a local Farmers Union resolution urging Congress to enact legislation to increase farm income. p. 9705
Sen. Proxmire inserted a speech of Gov. Nelson's (Wisc.) agricultural coordinator, "The Opportunity of Abundance," discussing expanded uses of our surpluses and highlighting trends and adjustments in the farm economy. pp. 9729-31
10. ELECTRIFICATION. Sen. Young, Ohio, inserted two resolutions from the American Public Power Association urging the establishment of a Northeastern Power Administration and authorization for the transmission of Niagara power. p. 9706
Sen. Langer inserted several resolutions of a local electric cooperative asking the preservation of the preference clause for non-profit cooperatives in the use of public power, the protection of the territory of the rural electric systems, opposition to increased REA interest rates, new REA legislation similar to "the Humphrey-Price bill," and support of S. Res. 48, to establish a Congressional committee on water resources, and H. R. 3460, the TVA self-financing bill. p. 9707
11. FARM LOANS. The names of Sens. Chavez, Young, N. Dak., Mundt, Bennett, Langer, Bridges, Lausche, Carlson, Goldwater, Case, S. Dak., Beall, and Capehart were added as cosponsors of S. 2144, to simplify, consolidate, and improve the authority of the Secretary of Agriculture with respect to loans to farmers and ranchers. p. 9716

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: House committee voted to report resolution disapproving reorganization plan to transfer forest land authorities from Interior to USDA. Reps. McGovern and Albert praised, and Reps. Teague and Saylor criticized, wheat bill. Senate passed Labor-HEW appropriation bill. Senate passed general government matters appropriation bill. Sen. McCarthy and others submitted and Sen. McCarthy discussed measure directing this Department to use its authority to purchase poultry.

HOUSE

1. **FEDERAL STATES RELATIONS.** Passed, 225 to 192, without amendment H. R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws (pp. 10718-10737, 10747, A5453-4).

Rejected the following amendments:

By Rep. Celler, 129 to 195, to provide that Sec. 1, the preemption section (allowing States to legislate where Congress has not specifically preempted the field), would apply only to Acts of Congress hereafter enacted (pp. 10713-23).

By Rep. Lindsay, 62 to 134, to eliminate Sec. 1 and to leave intact provisions allowing States to enact legislation in the subversive field (pp. 10723-8).

By Rep. Collier, to exempt from the provisions of the bill, foods, drugs, cosmetics, or other articles distributed interstate in compliance with Federal standards, potency, labeling and other requirements. (pp. 10728-33)

By Rep. Fulton, 53 to 146, a series of amendments including one exempting any rural electrification law except as specifically provided by future legislation; and one exempting any interstate common carrier law except as specifically provided by future legislation (pp. 10733-6). (The National Rural Electric Association position on the bill was discussed pp. 10724-6, 10746).

Received from the Secretary of the Treasury, Cochairman, Joint Federal-State Action Committee, a letter relative to endorsing the legislation embodied in S. 1617 and H. R. 5785, to provide for the adjustment of the legislative jurisdiction exercised by the U. S. over land in the several States used for Federal purposes. p. 10770

2. FORESTRY; REORGANIZATION. The Government Operations Committee voted to report (but did not actually report) H. Res. 295, which disapproves Reorganization Plan No. 1 of 1959 which plan would transfer certain forest land authorities from Interior to USDA. p. D524
3. RENEGOTIATION; CONTRACTS. Requested a conference on H. R. 7086, to extend the Renegotiation Act of 1951, and appointed conferees (p. 10738). Senate conferees were also appointed (p. 10677).
4. WHEAT. Rep. McGovern urged the President to sign the wheat bill, S. 1968, since the "farmers will be given an opportunity" to choose "between low price supports with unlimited production, or 90 percent of parity price supports with marketing quotas," contending the farmers may choose "what Mr. Benson says they wish." Rep. Albert commended the bill because it "will take 14 million acres out of production," while Rep. Teague stated that the bill "will cost" ... a great deal more money than the present program," and Rep. Saylor criticized the bill because it "prevents from voting many thousands of small wheat-growers ..." pp. 10751-2
5. INTERNATIONAL FAIRS. Rep. Morgan explained that the reason for requesting a transfer of the President's message on the Federal participation in the World Science Pan-Pacific Exposition, from the Foreign Affairs Committee to the Space and Astronautics Committee was that the forthcoming Seattle fair "is most directly related to considerations other than foreign policy." p. 10739
6. FATS AND OILS. Both Houses received from GSA a proposed bill, "relating to the disposition of coconut oil from the national stockpile under the Strategic and Critical Materials Stock Piling Act"; to the Armed Services Committees. p. 10770, 10623
7. SCIENCE. Received from the President the first semi-annual report of the National Aeronautics and Space Administration covering the period Oct. 1, 1958 through March 31, 1959 (H. Doc. 187). p. 10745
8. APPROPRIATIONS. Received from the President a proposed supplemental appropriation to "pay claims for damages and judgments rendered against the U. S. in the amount of \$198,675, together with such amounts as may be necessary to pay indefinite interest and costs" (H. Doc. 185). p. 10770
Rep. Taber objected to Rep. Thomas' request to allow the Appropriations Committee to have until midnight Thurs., June 25, to file a report on the supplemental appropriation bill, 1960. p. 10745

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
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86th-1st, No. 107

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HIGHLIGHTS: House committee reported resolution disapproving reorganization plan to transfer forest land authorities from Interior to USDA. House received from President proposed appropriations for mutual security program. House committee reported supplemental appropriation bill. House committee reported appropriation continuation measure.

HOUSE

1. FORESTRY; REORGANIZATION. The Government Operations Committee reported without amendment H. Res. 295, to disapprove Reorganization Plan No. 1 of 1959 which would transfer certain forest land authorities from Interior to USDA (H. Rept. 586). p. 10917
2. APPROPRIATIONS. The Appropriations Committee reported (June 25) without amendment H. J. Res. 439, the continuing resolution making temporary appropriations after June 30 pending the enactment of the remaining regular appropriation bills. (H. Rept. 578). p. 10917
3. MUTUAL SECURITY APPROPRIATIONS. Received from the President proposed appropriations for the fiscal year 1960, in the amount of \$3,929,995,000, for the mutual security programs (H. Doc. 188). p. 10916
4. SUPPLEMENTAL APPROPRIATION BILL, 1960. The Appropriations Committee reported without amendment this bill, H. R. 7978 (H. Rept. 579). (pp. 10889, 10917) See Digest 106 for items of interest to this Department.

5. MONOPOLIES. The Judiciary Committee reported with amendment S. 726, to amend the Clayton Act so as to provide for the more expeditious enforcement of cease and desist orders issued under the act (H. Rept. 580). p. 10917
6. PERSONNEL. The Judiciary Committee reported with amendment H. R. 7577, to amend title 28 of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment (H. Rept. 581). p. 10917
7. LABOR-HEW APPROPRIATION BILL, 1960. Conferees were appointed on this bill, H. R. 6769 (p. 10889). Senate conferees have already been appointed.
8. FOREIGN TRADE. Received from the President the annual report on the operation of the trade agreements program (S. Doc. 31). p. 10890
9. CREDIT UNIONS. Several Representatives spoke in commemoration of the 25th anniversary of enactment of the Federal Credit Union Act. pp. 10890, 10891-2, 10893 909
10. TEXTILES; COTTON. Rep. Dorn criticized the "unrealistic Government cotton program," and contended that "consumers of cotton textiles have seen the retail prices for such products decline in the past 10 years while the farm value of cotton in these products increased." p. 10892
11. PERSONNEL; HOLIDAYS. Rep. Johansen opposed enactment of H. R. 5752, to grant time off for Federal employees for holidays falling on Saturdays, and inserted a letter he had sent his colleagues opposing the bill. pp. 10892-3
12. ADJOURNED until Mon., June 29. p. 10916

ITEMS IN APPENDIX

13. LIBRARIES. Rep. Madden inserted a speech by the President of the American Library Association expressing the Association's thanks to Congress for enacting legislation aiding the library field. pp. A5524-5
14. RECLAMATION. Rep. Burdick inserted a resolution by the N. Dak. State Water Conservation Commission urging restoration of the House reduction in the 1960 Public Works budget for the Garrison Diversion Unit. p. A5525.
15. WHEAT. Rep. Burdick inserted a GTA article commending the wheat bill and criticizing Life magazine's view of farmers. pp. A5526-7
16. FARM PROGRAM. Rep. Dorn, S. C., inserted a letter criticizing the price support program as a "subsidy ... for the favored few." p. A5536
17. CORN. Rep. Coad inserted an article stating that a minimum or no acreage restriction will cause an all-time high in corn yield and that Congress may have to apply stricter Government production controls on corn. p. A5540
18. AREA REDEVELOPMENT. Rep. Flood inserted a table, "Congressional Districts with Labor Markets Suffering from Substantial Labor Surplus," giving approximate dates for eligibility for aid under the area redevelopment bill. pp. A5544-8

DISAPPROVING REORGANIZATION PLAN NO. 1 OF 1959

JUNE 26, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Government Operations, submitted the following

REPORT

[To accompany H. Res. 295]

The Committee on Government Operations, to whom was referred the resolution (H. Res. 295) to disapprove Reorganization Plan No. 1 of 1959, having considered the same, report favorably thereon without amendment and recommend that the resolution do pass.

(Reorganization Plan No. 1 of 1959 which is set forth in H. Doc. No. 140, 86th Cong., follows:)

REORGANIZATION PLAN NO. 1 OF 1959

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 12, 1959, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended

CERTAIN LAND EXCHANGES AND OTHER MATTERS

SECTION 1. Except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The functions of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(l) The functions of the Secretary of the Interior under section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947 (61 Stat. 681), as amended by the Act of July 23, 1955, 69 Stat. 367 (30 U.S.C. 601 et seq.).

SEC. 2. (a) Upon exchange of national forest lands under the provisions of law referred to in sections 1 (a), (b), (e), (f), and (g) hereof the Secretary of the Interior, on recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(b) All conveyances under the Act referred to in section 1(h) hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

(c) Upon the sale of lands under the section referred to in section 1(j) of this reorganization plan the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, shall issue the patent therefor.

SEC. 3. The functions transferred to the Secretary of Agriculture by the provisions of this reorganization plan shall be subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633).

(H. Res. 295 follows:)

[H. Res. 295, 86th Cong., 1st sess.]

RESOLUTION

Resolved, That the House does not favor the Reorganization Plan Numbered 1 of May 12, 1959, transmitted to Congress by the President on the 12th day of May 1959.

PURPOSE

House Resolution 295 disapproves Reorganization Plan No. 1 of 1959 which was transmitted to Congress by the President on May 12, 1959. Unless the resolution is adopted by the House (or a similar one by the Senate) within 60 calendar days after the plan was transmitted, the reorganization plan will go into effect automatically pursuant to the Reorganization Act of 1949, as amended.

LEGISLATION AS SUBSTITUTE FOR THE PLAN

The Reorganization Act of 1949, as amended (63 Stat. 205; 5 U.S.C. 133z), contains no provision whereby the Congress or either House thereof may amend a reorganization plan prior to its becoming effective. A plan is thus either disapproved in its entirety or allowed to become effective in the form that the President transmitted it. The committee believes that most of the provisions of Reorganization Plan No. 1 of 1959 are sound, but that certain amendments are necessary to protect the public interest. The committee, therefore, because of the time limitation for acting on a reorganization plan, is now reporting favorably on House Resolution 295 to disapprove the plan, and also now has under consideration H.R. 7681, entitled "A bill to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments," which is intended to secure the benefits contemplated by the plan and at the same time provide safeguards to the public interest that are lacking in the plan.

SUMMARY OF THE REASONS FOR RECOMMENDING DISAPPROVAL OF THE PLAN

Stated briefly, the major provisions of Reorganization Plan No. 1 of 1959 are as follows:

(1) It would transfer to the Secretary of Agriculture all the functions of the Secretary of the Interior in making exchanges of public national forest lands for private lands and in making sales of such lands, including all the minerals therein. The plan would leave with the Secretary of the Interior only the purely ministerial function of issuing patents or conveyances for such lands.

(2) The plan would transfer to the Secretary of Agriculture the functions of the Secretary of the Interior in selling certain mineral materials on acquired national forest land.

(3) The plan would give to the Secretary of Agriculture authority to redelegate the functions transferred to him by the plan to any officer or employee of the Department of Agriculture pursuant to section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633), but not subject to section 4(b) of the 1953 plan which requires the Secretary of Agriculture to give advance public notice of delegations of major functions and opportunity for the public to comment thereon.

The committee believes that House Resolution 295 disapproving the plan should be adopted for the following reasons:

1. The plan will vest in the Secretary of Agriculture unfettered power, when consummating an exchange, to dispose of valuable mineral resources of the United States, including oil, gas, coal, and other leasable minerals, as well as copper, gold, silver, and other metalliferous minerals, without any check whatsoever with the Interior Department or any review by its technical agencies. The Interior Department has the primary responsibility for surveying and protecting the mineral assets of the United States, and its agencies are the primary repositories of information regarding them.

2. In taking away from the Secretary of the Interior the power to apply the national mineral policies to lands involved in forest exchanges, the plan destroys a system designed to separate the administration of the surface and of the minerals and certain other aspects of public lands reserved in national forests. This system was carefully worked out and developed in the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), and generally adhered to in legislation and practice since that date. Only minor responsibilities for the administration or disposition of the mineral aspects of public or acquired lands have been given to the Secretary of Agriculture without reference to the Secretary of the Interior, such as the disposition from reserved public lands of common varieties of mineral materials under the Materials Act of July 23, 1955 (30 U.S.C. 601 et seq.); and the exchange of acquired lands, including mineral interests therein, under the Weeks Act (16 U.S.C. 516 et seq.)

3. Evidence presented to the committee showed that in 21 percent of the public land forest exchanges in the last 5 years (26 out of 120), the minerals in the forest lands were reserved for the United States on the basis of information supplied by the Interior Department. It was also shown that in 10 percent of the exchanges (12 out of 120), the Agriculture Department had not contemplated such a reservation in approving the exchange and that the reservations were added solely as the result of review by the Interior Department. Hence it is clear that the mineral functions heretofore performed by the Secretary of the Interior, proposed to be transferred to the Secretary of Agriculture, have been a very significant factor in protecting the public interest in minerals owned by the United States. This protective factor would be largely discarded by the plan.

4. The plan opens the possibility of considerable procedural confusion in determining the validity of mining claims on national forest lands.

5. From a practical standpoint, as the plan is worded, it is virtually impossible to determine with certainty which "mineral materials" the Secretary of Agriculture will be authorized to sell under section 1(1) of the plan. Such authority might be construed to include sales of valuable metalliferous and nonmetalliferous minerals, contrary to the apparent intent of the drafters of the plan.

6. The plan makes the functions transferred to the Secretary of Agriculture subject to the redelegation authority of section 4(a) of

Reorganization Plan No. 2 of 1953, but omits the public notice safeguards of section 4(b) of the 1953 plan.

7. The plan will at best cause only minor savings and involves only 30 cases a year (out of over 150,000 processed by the Bureau of Land Management of the Interior Department). The benefits to be gained from the plan are far outweighed by the disadvantages described above.

8. The good features of the plan can be secured and the public interest can be adequately safeguarded by a few amendments.

OBJECTIONS TO THE PLAN

1. The plan fails to provide for the protection and conservation of valuable minerals owned by the United States

The Secretary of the Interior is the official primarily concerned with the administration, conservation, and disposal of the mineral resources owned by the United States. His jurisdiction includes the mineral leasing laws and the mining laws. The Department of the Interior is the primary repository of knowledge and information regarding these mineral resources. The employees of the Department, particularly those in the Geological Survey, the Bureau of Land Management, and the Bureau of Mines, have the technical competence needed to carry out the Department's broad responsibilities with respect to minerals. The Secretary of the Interior has had jurisdiction over the minerals in public land national forests since those forests were established. The Secretary of the Interior has had jurisdiction over the minerals in public land national forests since their inception, except that since the act of July 23, 1955 (16 U.S.C. 601 et seq.), the Secretary of Agriculture has had authority to dispose of mineral materials such as the common varieties of sand, gravel, stone, pumice, pumicite, cinders, and clay, on lands under his jurisdiction reserved from the public domain. This responsibility of the Secretary of the Interior over mineral matters has been recognized in the laws governing the public land national forests, including the laws applicable to the exchange of such lands. See act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472); 33 Land Dec. 609, 610 (1905); 34 Land Dec. 64 (1905); 26 Ops. Atty. Gen. 269 (1907); 38 Land Dec. 59, 62 (1908); 29 Ops. Atty. Gen. 303, 304 (1912); 206 Fed. 755, 761 (1913); Interior Solicitor's Opinion M. 31021 (February 20, 1941); 40 Ops. Atty. Gen. 260 (1942).

On the other hand, the Department of Agriculture, through the Forest Service, has been responsible for the sound administration of the timber and other surface resources of the national forests and for limited activities with respect to minerals under the act of July 23, 1955, *supra*. While it does have some mineral examiners, the Forest Service has been charged with only limited responsibility for the administration of minerals on the forests affected by the plan. The Forest Service mineral examiners merely gather preliminary information for presentation to the Interior Department for decision in mining claim contests. The Forest Service examiners do not deal with such minerals as oil, gas, coal, sodium, phosphate, potassium, or sulfur, the so-called "leasable minerals." Only the Interior Department now deals with those minerals.

Reorganization Plan No. 1 of 1959 would, for practical purposes, take away from the Secretary of the Interior the power to apply the national mineral policies to the lands involved in the exchanges or

sales. He will retain only the ministerial duty of issuing patents for the lands after the Secretary of Agriculture has arranged for their disposal, and will have no discretion or authority to modify or reject any exchange or sale approved by the Secretary of Agriculture. In fact, under the plan, the Secretary of the Interior very likely might not even know of the transaction until all action except the purely ministerial formality of issuing a patent has been completed. Consequently, he will not be able to have any influence with respect to the minerals contained in the land nor to require that they be reserved to the United States.

Mr. William F. Finan, Assistant Director for Management and Organization of the Bureau of the Budget, testified on this subject as follows:

Mr. LANIGAN. So it does affect the power to make mineral reservations in this type of transaction on any of the hundred million or more acres under public land national forest.

Mr. FINAN. Yes, as far as these particular types of transactions that are called for under these particular acts, yes.

Mr. LANIGAN. Under this plan does the Secretary of the Interior have any power to insist upon a mineral reservation if an exchange is presented to him by the Department of Agriculture for issuance of patent?

Mr. FINAN. Not if the exchange is to be administered under these acts, I would say probably not. In fact, I would say not and drop the "probably."

Mr. LANIGAN. Is there any requirement in the plan that any of these cases be referred to the Geological Survey for the determination of oil and gas possibilities in the land to be exchanged?

Mr. FINAN. I would say there is neither a greater nor a lesser requirement that that be done as a result of this plan unless the situation is bad.

Mr. LANIGAN. I just asked, is the Secretary of Agriculture required to check with the Geological Survey?

Mr. FINAN. No, neither is the Secretary of the Interior. He does it, I assume, out of an abundance of caution. I would assume that the Secretary of Agriculture's caution——

Chairman DAWSON. Isn't that out of an abundance of his responsibility to protect minerals? Isn't it important to you that he is responsible for preserving the Government's rights in oil, gas, gold, and other minerals?

Mr. FINAN. Mr. Chairman, at the moment, of course, he shares responsibility with the Secretary of Agriculture in these matters.

Chairman DAWSON. He not only shares it, but he looks after that end and several times he has asked the Department of Agriculture to make mineral reservations in the transfers.

Mr. FINAN. The immediately preceding witness before me indicated that the manner in which the Interior Department presented that probably gave a misleading impression. It was probably just that the step in the procedure that is currently involved produced statistics of the kind that you saw.

Chairman DAWSON. Don't you think that the interests of the Secretary of the Interior in the minerals in public land is greater than that of the Secretary of Agriculture because of

the responsibility that had been placed upon him by the Congress?

Mr. FINAN. Mr. Chairman, the Secretary of Agriculture on the taking effect of this plan would have a responsibility—

Chairman DAWSON. But he is not charged with the responsibility of looking after the mineral interests?

Mr. FINAN. He is charged under most of these acts in very specific terms with concerning himself with the public interest. He is also concerned in connection with any exchanges of assuming responsibility of seeing that there is a fair value exchange involved.

Obviously, if you get into the question of minerals or the possibility of valuable minerals, this is going to be a major issue in what the relative values of these exchanges are.

Chairman DAWSON. It is not so much the relative value. It is just when a man is accustomed to looking after a certain given field, his mind reacts to that. He makes his geological survey and so forth before he does these other things, while that hasn't been the responsibility of the Department of Agriculture to protect the minerals to that extent.

Mr. FINAN. To the extent it hasn't, Mr. Chairman, that is the result of the provisions in existing law in these various matters that require him to share his responsibility in one way or another with the Secretary of the Interior.

An examination of the flow charts submitted in connection with the plan shows that under present procedures for processing exchange applications the Bureau of Land Management uniformly refers the applications to the Geological Survey for a mineral report. In marked contrast, the flow charts for the proposed new procedures to be followed in the Department of Agriculture did not provide for any check with the Geological Survey as to the mineral nature of the land.

In the text of its report, the Department of Agriculture indicated that a mineral examiner would inspect the selected land only "if there is evident mineralization or mineral activity in the area." Moreover, the Department's statement indicated that the determination of mineralized areas would be made "either by the Geological Survey * * * or by mineral examiners of the Forest Service." Thus, there is doubt as to whether the Geological Survey's fund of knowledge would be utilized.

The significance of this omission can be realized from the fact that of the 32 forest exchange cases processed in the last 5 years with mineral reservations for the benefit of the United States, 26 of these reservations were made on the basis of reports and statements by the Geological Survey. In 12 of these 26 cases the Department of the Interior had to take the initiative in securing the reservation on the basis of Geological Survey data, because "the Agriculture Department had not contemplated such a reservation in their proposal." These 32 forest exchange cases constituted 26.6 percent of the total of 120 forest exchange applications processed in the past 5 years. Thus it can be seen that failure to have the Interior Department participate in the exchanges may result in considerable mineral wealth being inadvertently turned over to the private operators without any compensation to the United States therefor.

At the hearing on the plan, an Agriculture Department witness, Mr. Fred W. Grover, Director, Division of Land Classification of the

Forest Service, said he thought the Agriculture Department "probably" would check with Interior in all forest exchange cases involving public lands. Mr. Grover testified:

Mr. INDRITZ. I direct your attention to the Interior Department flow chart, appendix 1, step 6, which indicates that all applications for exchange are uniformly referred to the Geological Survey for a mineral report.

Mr. GROVER. That is right.

Mr. INDRITZ. Could you show me in the Agriculture Department's proposed flow chart, exhibit 3, where under the new procedure would there be a check with the Geological Survey as to the mineral nature of the land?

Mr. GROVER. No, sir; I cannot; but I can assure you we would expect to make such a check.

Mr. INDRITZ. Do you mean you would modify your procedure as shown on exhibit 3, which is the proposed flow chart?

Mr. GROVER. We would if it was necessary to obtain expert mineral advice, we would do so; yes, sir.

Mr. INDRITZ. The flow chart, which is marked as exhibit 3 in the Department of Agriculture presentation, is entitled, "Showing steps taken under proposed procedures in processing land exchanged under the act of March 20, 1922." Do you say that there is nothing in this flow chart to show that the Agriculture Department would check with the Geological Survey?

Mr. GROVER. I think that is right.

Mr. INDRITZ. Do you propose to modify the flow chart, if the plan is approved, so that the Geological Survey would be requested to advise as to the mineral characteristics of the land?

Mr. GROVER. I think we would do that, yes.

Mr. INDRITZ. Would you do that in every case, or only in those cases where the forester might think there would be minerals?

Mr. GROVER. I think we would probably follow the present procedure, sir, and do it in all cases involving public domain lands.

Experience has demonstrated that reorganization plans must be judged in the light of the *powers* they transfer. Statements by subordinate employees that an agency "probably" will or will not follow some course do not in any way affect the powers conveyed. A weak statement of that nature should never be accepted as a binding commitment to remedy a defect in a plan. In fact, such a statement only serves to emphasize the defect. In this case the defect is basic. The checks and balances Congress provided to protect the mineral interests would be destroyed.

Mr. Clarence R. Bradshaw, Assistant Solicitor of the Department of the Interior, testified:

Mr. LANIGAN. Would the Secretary of Agriculture have the power to consummate an exchange under this plan without making any check with the Geological Survey or the Bureau of Land Management as to mineral values?

Mr. BRADSHAW. I would guess so. There is no law requiring him to do it. However, I will repeat—I think it is in

the record several times—that the Secretary of Agriculture has his own mineral experts.

Mr. LANIGAN. As to the oil and gas and coal, the Geological Survey——

Mr. BRADSHAW. It is the only agency in the Government I know of that has men who are specially trained for those particular minerals.

The committee was unable to obtain from the Departments any estimate of the values of the minerals involved in the 26 cases where mineral reservations for the United States were made on the basis of reports of the Geological Survey. However, it is the committee's understanding that large mineral values could be involved in forest exchanges. The committee believes it is against the public interest to abandon the protection of Federal mineral resources which the Congress has required ever since the national forests were established.

The General Forest Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486) authorizes——

the Secretary of the Interior in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests——

in connection with forest land exchanges, and further provides:

Either party to an exchange * * * may make reservations of timber, minerals or easements, the values of which shall be duly considered in determining the values of the exchanged lands.

This clearly would seem to require the Secretary of the Interior, in approving an exchange, to exercise discretion with respect to the reservation of minerals. While an Agriculture Department witness testified that he believed the General Forest Exchange Act, *supra*, required the Secretary of Agriculture to reserve known minerals, he later advised the committee that there has been no legal ruling to this effect. The plan does not preserve the authority of the Secretary of the Interior with respect to the minerals in lands being exchanged or sold pursuant to the plan, and the committee believes that the preservation of such authority is essential.

2. The plan would make possible considerable confusion in adjudicating the validity of mining claims on national forest land

Although all witnesses claimed there is no such intent in the plan, its wording raises a substantial possibility of confusion with respect to the adjudication of the validity of mining claims.

The plan purports to transfer to the Secretary of Agriculture *all* functions of the Secretary of the Interior "with respect to" the forest exchanges and the sales of forest lands listed in section 1 of the plan. Both the Bureau of the Budget analysis of the plan and the response of the Interior Department stated that the Secretary of Agriculture "will adjudicate any protests with respect to exchanges" of forest lands.

National forest lands are subject to mining locations and patent (40 Ops. A.G. 260). Thus, when an exchange application is filed for forest lands on which mining locations are known to have been made, the Interior Department, under the present procedure, either rejects the application or withholds action on the exchange application until

the conflict is resolved by adjudicating the contest which the Forest Service files against the validity of the mining claim. The entire adjudicatory procedure is accomplished in one agency, i.e., the Department of the Interior. If the plan became effective, it seems that the mining claimant could resort to several procedures in opposing an exchange application. (a) He might file a protest with the Forest Service against the exchange application. The Forest Service, according to the agency statements mentioned above, would proceed to "adjudicate" the protest. (b) The mineral claimant might file an application in the Interior Department for a mineral patent, which would be handled and adjudicated by the Bureau of Land Management. (c) He might file both of the above proceedings simultaneously. It is possible that the two Departments might reach different conclusions as to the validity of the mining claim. Thus, it is apparent that to transfer to the Agriculture Department the function of adjudicating protests of mineral claimants against forest exchange applications could raise serious jurisdictional problems as well as difficult legal problems as to whose decision would govern.

At the hearings on the plan, the representatives of the Department of Agriculture, the Department of the Interior, and the Budget Bureau stated that despite the language of the plan purporting to transfer to the Secretary of Agriculture *all* functions "with respect to" the forest land exchanges and the sales of forest lands specified in section 1 of the plan, it was not intended to transfer to him the authority to determine or adjudicate the validity or invalidity of mining claims in case of a conflict with a forest exchange or sale application. It seems clear that the language of the plan was expressed inadequately to prevent the very situation that the witnesses said was not intended by the plan.

3. *There is much uncertainty as to what mineral materials would be involved in dispositions made under section 1(1) of the plan*

Section 1(1) of the plan transfers jurisdiction from the Secretary of the Interior to the Secretary of Agriculture to dispose of certain "mineral materials" in certain lands. From a practical standpoint it seems that it is probably impossible to determine from the plan which mineral materials will be affected by it. The Interior Department's statement indicated that only common varieties of sand, stone, gravel, pumice, pumicite, cinders, and other "common varieties" of minerals defined in the Materials Act of July 23, 1955 (30 U.S.C. 601 et seq.) will be subject to the plan. However, the law to which the plan refers authorizes the disposal of "mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay)". The Interior Department presentation takes the words, "common varieties", from their place in the parenthetical clause in the statute and places them before the words, "mineral materials", which appear before the parenthetical clause. This seems to ignore two opinions of the Interior Department's Solicitor which held that other types of minerals could be sold under the Materials Act if they were not subject to disposal under the mining laws. Thus, on July 7, 1950, in opinion No. M-36044, the Solicitor held that *gypsum* which was not subject to mining location in the particular circumstances could be sold under the Materials Act. On January 18, 1955, in opinion M-36256, an Acting Assistant Solicitor, with the approval of the Associate Solicitor, held that reserved *tungsten* in lands of the Fort Huachuca Military Reservation whose surface had

been disposed of, and subsequently reacquired by the United States, was not subject to the mining laws and therefore that the tungsten could be sold under the Materials Act.

Representatives of the Agriculture Department and of the Interior Department testified at the hearing before the committee that section 1(l) of the plan was intended to transfer to the Secretary of Agriculture only the authority to dispose of sand, stone, gravel, pumice, pumicite, cinders, and clay on the acquired lands in national forests. However, they admitted that the chief legal officers of the departments would have to rule on the questions whether the language of section 1(l) went beyond such minerals and would authorize the Secretary of Agriculture to dispose of valuable minerals such as tungsten, gold, silver, copper, and gypsum.

The committee believes that a plan which leaves so much doubt as to the nature and extent of the authority transferred should not be approved.

4. The plan vests unlimited authority in the Secretary of Agriculture to delegate and redelegate authority; and fails to incorporate safeguards previously required by Congress

Section 3 of the plan specifically declares that the functions transferred to the Secretary of Agriculture shall be subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953. This is the section of Reorganization Plan No. 2 of 1953 which authorizes the Secretary of Agriculture to assign and reassign the functions transferred to him to any agency or employee of the Department of Agriculture. Under this section, the Secretary of Agriculture could delegate to anyone and anywhere in the Department of Agriculture the functions of exchange or sale of forest lands, and of disposal of minerals materials, which would have been transferred by the plan.

The committee believes that the unrestricted redelegation authority conferred by the 1953 plan (and other similar plans) has proven to be too broad. In effect those plans authorized the Department heads to reorganize the Department in any way they wish without further congressional sanction and without even informing Congress of the changes. The committee believes that the wide delegation authority of the 1953 plans should not be reaffirmed in subsequent plans or legislation.

It should also be noted that the plan makes the transferred functions subject *only* to section 4(a) of Reorganization Plan No. 2 of 1953. The plan pointedly omits reference to section 4(b) of the 1953 plan which requires the Secretary of Agriculture "to the extent deemed practical" to give advance public notice of, and appropriate opportunity to the public to present views on, proposed shifts of major functions within the Department of Agriculture. The committee believes that, at the very least, it is not desirable to enlarge the power of the Secretary of Agriculture to delegate authority under the 1953 plan without attaching thereto the limitations of section 4(b) of the 1953 plan. The testimony at the hearing before the committee indicated that the delegation section was not in the plan when initially drafted, because it was not regarded as necessary. The committee agrees with that view.

5. The plan will result in little, if any, saving of money. Very few transactions would actually be affected.

Despite the President's assertion that the plan will make possible more economical and expeditious administration, it seems clear that

there is no prospect that the plan will significantly reduce Government expenditures. The Interior Department stated flatly “* * * there is no possibility that this Department can eliminate jobs or salaries as a consequence thereof,” although some of the time saved could be applied to other essential work. The Agriculture Department stated that it did not anticipate “at this time” that additional staffing will be required, and, obviously, it expects no reduction in expenditures to result from the plan. Representatives of both Departments reaffirmed this position in their testimony before the committee.

On the other hand the committee recognizes that the plan could improve the efficiency with which the functions affected by it are carried out and that the present procedures cause unnecessary inconvenience to the public in dealing with two agencies. Consequently, the committee is now considering H.R. 7681, a bill to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments, which is intended to secure the benefits of the plan without the detriments to the public interest that are inherent in the plan as now drafted.

The committee, therefore, recommends adoption of House Resolution 295 to disapprove the plan.

ADDITIONAL VIEWS OF HON. CLARE E. HOFFMAN

Reorganization Plan No. 1 of 1959 submitted by the President on May 12, 1959, provides for the transfer of certain functions of the Secretary of the Interior to the Secretary of Agriculture. This reorganization plan was transmitted to the Congress under the provisions of the Reorganization Act of 1949, as amended.

This writer has repeatedly stated his convictions regarding legislating by reorganization plans and reaffirms his position at this time. The arguments will not be restated in any detail here since his position was made clear as recently as May 18, 1959, in “Additional Views on H.R. 5140” which extended the Reorganization Act of 1949 for 2 additional years. In those views, the point was made that—

The act reverses the constitutional legislative process, under which the Congress, subject to a conditional veto, enacts legislation. Under the Reorganization Act, the President, subject to a veto by the Congress, writes legislation.

This reversal of the constitutional legislative process was treated at length by the writer in accompanying views incorporated in a report of this committee on January 30, 1953, on H.R. 1979 (H. Rept. 6, 83d Cong., 1st sess.), to extend the Reorganization Act of 1949, and he has stated his convictions on the floor of the House and in additional views on House Resolution 534 (H. Rept. 2585, 84th Cong., 2d sess., filed July 3, 1956); on H.R. 541 (H. Rept. 2599, 84th Cong., 2d sess., filed July 3, 1956); and on H.R. 8364 (H. Rept. 657, 85th Cong., 1st sess., filed June 27, 1957).

Without regard to the merits of Reorganization Plan No. 1 of 1959 I am constrained to vote in favor of House Resolution 295 simply because I do not want to give even tacit approval to what I firmly believe is an unconstitutional method for the enactment of legislation.

CLARE E. HOFFMAN.

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EXHIBIT A.—CHAIRMAN WILLIAM L. DAWSON'S LETTER OF MAY 15, 1959, TO THE
PRESIDENT, REQUESTING INFORMATION ON REORGANIZATION PLAN NO. 1 OF 1959

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EIGHTY-SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

1501 House Office Building

Washington, D. C.

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CHRISTINE RAY DAVIS,
STAFF DIRECTOR
CAPITOL 4-3121
MAJORITY—EXTENSION 5051
MINORITY—EXTENSION 5050

May 15, 1959

The President
The White House
Washington, D. C.

Dear Mr. President:

Reorganization Plan No. 1 of 1959, which you transmitted to the Congress on May 12, 1959, has been referred to the Committee on Government Operations for consideration. (H. Doc. 140, 86th Cong.) An examination of the Plan and of the message which accompanied it indicates that the Committee needs certain additional information to give the plan proper study.

Since, on the whole, each subsection of the Plan involves one or more different statutes, the information needed will be separately stated for each subsection. Because the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. Sec. 1332-3) makes time of the essence in our consideration of the Plan, the Committee would appreciate your supplying the requested information by May 25, 1959, or, if possible, earlier.

The information needed is as follows:

Section 1 (a) of the Plan --- Act of March 20, 1922 (42 Stat. 465, as amended, 16 U. S.C. 485, 486):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

(i) to clear land status;

(ii) to avoid conflicts in land claims and interests;

(iii) to maintain adequate and up to date land records;

(iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved in exchanges;

(v) to determine whether to reserve the minerals, easements or other property; and

(vi) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five Calendar years 1954-1958, inclusive, the following:

(a) the number of exchanges made under the Act;

(b) the number of exchanges in which the United States has reserved minerals on the basis of data supplied by the Interior Department;

(c) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title and (ii) other matters;

(d) the nature of the data referred to in the preceding clause;

(e) the number of exchange proposals which have been denied or modified in any way as the result of information supplied or suggestions made by the Interior Department, and

(f) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (b) of the Plan --- Act of February 2, 1922 (42 Stat. 362):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

(i) to clear land status;

(ii) to avoid conflicts in land claims and interests;

(iii) to maintain adequate and up to date land records;

(iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved in exchanges;

(v) to determine whether to reserve the minerals, easements or other property; and

(vi) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five Calendar years 1954-1958, inclusive, the following:

(a) the number of ~~exchanges~~ made under the Act;

(b) the number of exchanges in which the United States has reserved minerals on the basis of data supplied by the Interior Department:

(c) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title and (ii) other matters;

(d) the nature of the data referred to in the preceding clause;

(e) the number of exchange proposals which have been denied or modified in any way as the result of information supplied or suggestions made by the Interior Department, and

(f) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (c) of the Plan --- Act of June 7, 1924 (43 Stat. 643) except Section 2:

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements describing (a) the procedure and organizational machinery currently used to clear land status, to avoid conflicts in land claims and interests, and maintain adequate and up to date land records and (b) the corresponding procedure and organizational machinery which will be used if the Plan becomes effective.

(4) A statement showing for the five calendar years 1954-1958 inclusive (a) the number of exchanges made under the Act; (b) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title; (ii) other matters; (c) the nature of the data referred to in the preceding clause; (d) the number of exchange proposals which have been denied or modified in any way as a result of information supplied or suggestions made by the Interior Department and (e) the reasons for each denial or modification referred to in the preceding clause.

(5) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(6) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (d) of the Plan --- Act of January 12, 1925 (43 Stat. 739),
except Section 2:

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements describing (a) the procedure and organizational machinery currently used to clear land status, to avoid conflicts in land claims and interests, and maintain adequate and up to date land records and (b) the corresponding procedure and organizational machinery which will be used if the Plan becomes effective.

(4) A statement showing for the five calendar years 1954-1958 inclusive (a) the number of exchanges made under the Act; (b) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title; (ii) other matters; (c) the nature of the data referred to in the preceding clause; (d) the number of exchange proposals which have been denied or modified in any way as a result of information supplied or suggestions made by the Interior Department and (e) the reasons for each denial or modification referred to in the preceding clause.

(5) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(6) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (e) of the Plan --- Act of April 21, 1926 (44 Stat. 303),
except Section 2:

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

(i) to clear land status;

(ii) to avoid conflicts in land claims and interests;

(iii) to maintain adequate and up to date land records;

(iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved in exchanges;

(v) to determine whether to reserve the minerals, easements or other property; and

(vi) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five Calendar years 1954-1958, inclusive, the following:

(a) the number of exchanges made under the Act;

(b) the number of exchanges in which the United States has reserved minerals on the basis of data supplied by the Interior Department;

(c) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title and (ii) other matters;

(d) the nature of the data referred to in the preceding clause;

(e) the number of exchange proposals which have been denied or modified in any way as the result of information supplied or suggestions made by the Interior Department, and

(f) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (f) of the Plan --- Section 2 of the Act of May 26, 1926
(44 Stat. 655; 16 U.S.C.38):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate and detailed statements describing (a) the procedures and organizational machinery currently used to clear land status, to avoid conflicts in land claims and interests, to maintain adequate and up to date land records, to determine the values of the property involved in the exchange, and to determine the non-mineral nature of lands patented by the United States in the exchanges; and (b) the corresponding procedures and organizational machinery which will be used if the plan becomes effective.

(4) A statement showing for the five calendar years 1954-1958 inclusive (a) the number of exchanges made under the Act; (b) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title; (ii) other matters; (c) the nature of the data referred to in the preceding clause; (d) the number of exchange proposals which have been denied or modified in any way as a result of information supplied or suggestions made by the Interior Department and (e) the reasons for each denial or modification referred to in the preceding clause.

(5) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(6) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (g) of the Plan --- Act of June 15, 1926 (44 Stat. 746):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

(i) to clear land status;

(ii) to avoid conflicts in land claims and interests;

(iii) to maintain adequate and up to date land records;

(iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved in exchanges;

(v) to determine whether to reserve the minerals, easements or other property; and

(vi) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five Calendar years 1954-1958, inclusive, the following:

(a) the number of exchanges made under the Act;

(b) the number of exchanges in which the United States has reserved minerals on the basis of data supplied by the Interior Department;

(c) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title and (ii) other matters;

(d) the nature of the data referred to in the preceding clause;

(e) the number of exchange proposals which have been denied or modified in any way as the result of information supplied or suggestions made by the Interior Department, and

(f) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (h) of the Plan --- Act of December 7, 1942 (56 Stat. 1042):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

(i) to clear land status;

(ii) to avoid conflicts in land claims and interests;

(iii) to maintain adequate and up to date land records;

(iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved in exchanges;

(v) to determine the values of the property involved in the exchange;

(vi) to determine whether to reserve the minerals, easements or other property;

(vii) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five Calendar years 1954-1958, inclusive, the following:

(a) the number of exchanges made under the Act;

(b) the number of exchanges in which the United States has reserved minerals on the basis of data supplied by the Interior Department;

(c) the number of exchange proposals in which the Interior Department requested additional data with respect to (i) title and (ii) other matters;

(d) the nature of the data referred to in the preceding clause;

(e) the number of exchange proposals which have been denied or modified in any way as the result of information supplied or suggestions made by the Interior Department, and

(f) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such exchanges under the Act, the names of the applicants, and the acreages, values, and general location of property involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of an exchange under the Act (i) under the current procedures and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (i) of the Plan --- Section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872):

(1) Two separate detailed statements describing (a) the procedure and organizational machinery currently used to clear land status, to avoid conflicts in land claims and interests, and maintain adequate and up to date land records and (b) the corresponding procedure and organizational machinery which will be used if the Plan becomes effective.

(2) A statement showing for the five calendar years 1954-1958, inclusive, the number of actions taken by the Secretary of Interior under the section which would have been taken by the Secretary of Agriculture if the Plan had been in effect.

(3) Detailed flow charts showing each step, and the action taken at each step, in the processing of a conveyance under Section 6 of the Act (i) under the current procedures, and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (j) of the Plan --- Section 2 (b) of the Joint Resolution of August 8, 1947 (61 Stat. 921):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

(i) to clear land status;

(ii) to avoid conflicts in land claims and interests;

(iii) to maintain adequate and up to date land records;

(iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved;

(v) to determine the value of the property involved in the sale;

(vi) to determine whether to reserve the minerals, easements or other property; and

(vii) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five calendar years 1954-1958, inclusive, the following:

(a) the number of sales made under the Act;

(b) the number of sales in which the United States has reserved minerals on the basis of data supplied by the Interior Department;

(c) the number of sale proposals which have been denied or modified in any way as a result of action by the Interior Department;

(d) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such sales under Section 6 of the Act, the names of the applicants, and the acreages, values, and general location of land involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of a sale under Section 6 of the Act (i) under current procedures, and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (k) of the Plan --- Section 10 of the Act of March 1, 1911
(36 Stat. 962; 16 U.S.C. 519):

(1) A description of each function currently performed by the Secretary of the Interior and by the Secretary of Agriculture under the Act.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion under the Act.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion under the Act.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements as follows:

(a) The criteria which have been used by the Secretary of the Interior in reserving minerals under the Act.

(b) The criteria that will be used by the Secretary of Agriculture if the Plan becomes effective.

As in (2) above, please state the elements of the criteria.

(4) Two separate detailed statements describing the procedures and organizational machinery (a) which are now used, and (b) which will be used if the Plan becomes effective, for the following:

- (i) to clear land status;
- (ii) to avoid conflicts in land claims and interests;
- (iii) to maintain adequate and up to date land records;
- (iv) to determine whether or not there are minerals, and what kind of minerals, in lands involved;
- (v) to determine the value of the property involved in the sale;
- (vi) to determine whether to reserve the minerals, easements or other property; and
- (vii) to subsequently dispose of any minerals or other property which has been reserved.

(5) A statement showing for the five calendar years 1954-1958, inclusive, the following:

- (a) the number of sales made under the Act;
- (b) the number of sales in which the United States has reserved minerals on the basis of data supplied by the Interior Department;
- (c) the number of sale proposals which have been denied or modified in any way as a result of action by the Interior Department;
- (d) the reasons for each denial or modification referred to in the preceding clause.

(6) A statement showing the number of applications now pending for such sales under Section 10 of the Act, the names of the applicants, and the acreages, values, and general location of land involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing of a sale under Section 10 of the Act (i) under current procedures, and (ii) under the procedures which will be used if the Plan becomes effective.

Section 1 (1) of the Plan --- Transfer of jurisdiction to dispose of certain mineral materials.

(1) A description of each function currently performed by the Secretary of the Interior and the Secretary of Agriculture in disposals that would be affected by the Plan.

(2) Three separate detailed statements as follows:

(a) The criteria now used by the Secretary of the Interior in exercising his discretion in making disposals.

(b) The criteria now used by the Secretary of Agriculture in exercising his discretion in making disposals.

(c) The criteria which will be used by the Secretary of Agriculture if the Plan becomes effective.

If criteria of a general nature, such as "the public interest" are stated, please state the elements which are included therein.

(3) Two separate detailed statements describing (a) the procedures and organizational machinery currently used to clear land status, to avoid conflicts, to maintain adequate and up to date land records, to determine the value of the mineral materials, and to establish the conditions of disposal, and (b) the corresponding procedures and organizational machinery which will be used if the Plan becomes effective.

(4) A statement showing for the five calendar years 1954-1958, inclusive, the number of mineral disposals made by the Secretary of the Interior which would have been made by the Secretary of Agriculture if the Plan had been in effect.

(5) A complete description of the types of mineral materials which would be affected by the Plan. Such statement should particularly show whether or not the following minerals would be subject to disposals by the Secretary of Agriculture, under any circumstances (and if so, what circumstances) if the Plan becomes effective: oil, gas (including helium), coal, phosphates, iron, uranium, gold, lead and zinc.

(6) A statement showing the number of applications now pending for such disposals, the names of the applicants, and the values and general location of the minerals involved in each application.

(7) Detailed flow charts showing each step, and the action taken at each step, in the processing and the disposal of the mineral materials that would be affected by the Plan (i) under the current procedures, and (ii) under the procedures which will be used if the Plan becomes effective. If the procedures differ for disposals under the different statutes affected by the Plan, please provide separate flow charts.

(8) A statement whether, and the extent to which, this section of the Plan would transfer jurisdiction to dispose of minerals which were reserved to the Government in original patents or which are in public lands, including withdrawn or reserved lands. ((Note: 16 U.S.C. Sec. 508b purports to include minerals "in public domain lands"; Sec. 3, Act, June 28, 1952 (66 Stat. 285) purports to include minerals "reserved to the Government in the original patent")).

Question applicable to all of the functions which would be transferred under the Plan.

Please provide a statement showing the number of jobs, the functions thereof, and the salaries connected therewith, which it is anticipated will be eliminated in the Department of the Interior, and showing the same information regarding the jobs which it is anticipated will be added in the Department of Agriculture, if the Plan becomes effective.

We shall appreciate promptly receiving the above requested information which is basic to understanding the effect of the Plan.

Sincerely yours,

WILLIAM L. DAWSON
Chairman

EXHIBIT B.—REPLY TO CHAIRMAN DAWSON'S LETTER OF MAY 15, 1959

THE WHITE HOUSE
WASHINGTON

June 4, 1959

Dear Mr. Chairman:

This is with further reference to your letter of May fifteenth to the President regarding Reorganization Plan No. 1 of 1959.

I transmit herewith twenty-five copies of two compilations of the information outlined in your letter, which have been prepared by the Department of the Interior and the Department of Agriculture, respectively. Each compilation sets forth that portion of the information outlined in your letter which is within the cognizance of the Department which prepared it. The two compilations, taken together, are intended to supply -- as best may be within pertinent time limits -- the complete information which you have requested.

Sincerely,

/S/ Gerald D. Morgan
Gerald D. Morgan
The Deputy Assistant to the President

The Honorable William L. Dawson
Chairman, Committee on Government
Operations
House of Representatives
Washington, D. C.

UNITED STATES
DEPARTMENT OF THE INTERIOR

Report on Reorganization Plan No. 1 of 1959

June 1, 1959

For purposes of clarity, our report is divided into the following major sections:

- PART I - Based on Section 1(a) through (h) of the Plan, and regarding forest exchanges.
- PART II - Based on Section 1(i) of the Plan and regarding the issuance of quitclaim deeds to proponents of the exchanges cited in Section 1(a) through (h) of the Plan when these proponents deed their lands to the United States and the exchange is not completed.
- PART III - Based on Section 1(j) of the Plan and regarding the sale of lands in the Tongass National Forest
- PART IV - Based on Section 1(k) of the Plan and regarding sales of lands made under the Weeks Act (36 Stat. 962).
- PART V - Based on Section 1(l) of the Plan and regarding the disposal of mineral materials from acquired lands under the jurisdiction of the Department of Agriculture.
- PART VI - Based upon the last question asked, regarding the effect the proposed Plan will have on the jobs, functions, and salaries of the Interior Department.

PART I - FOREST EXCHANGES (Section 1(a) through (h) of the Plan)

A - SUBSECTION REGARDING THE FUNCTIONS
OF THE INTERIOR DEPARTMENT AND THE
CRITERIA USED BY THE INTERIOR
DEPARTMENT IN EXERCISING THESE
FUNCTIONSFUNCTIONS 1/

(Questions No. 1 for Sections 1(a) through (h) of the Plan.)

Section 1(a) of Plan:

1. Accepting, in Secretary's discretion, titles to lands conveyed to U. S. in exchanges under the Act of March 20, 1922, c. 105, 42 Stat. 465, as amended (16 U.S.C. 485, 486). Geographically, the statute is a general one. Each such exchange involves the transfer to the United States of lands within the exterior boundaries of a national forest and the exchange therefor of either (a) national forest lands in the same State, or (b) authorization (by the Secretary of Agriculture) to cut and remove timber within the national forests of the same State.
2. Determination with respect to each exchange transaction under that Act that the public interests will be benefited by the exchange.
3. The making of reservations of timber, minerals, or easements with respect to U. S. lands conveyed in any exchange and the acceptance of such reservations with respect to lands conveyed to the U. S. in any exchange, under Section 2 of the Act (16 U.S.C. 486).

1/ The performance by the Secretary of the Interior of certain of the functions now vested in him by law is conditioned by determinations, etc., which are under present law required to be made by the Secretary of Agriculture. The descriptions with respect to various items of Section 1 of the Plan take into account the provisions of Section 2 of the Plan.

4. Except as indicated in item 6, below, all other acts required of the Secretary of the Interior under the statute. 2/
5. Under the Plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U. S. in the exchange.
6. All of the above, as the 1922 Act, as amended, has been extended, e.g.:
 - (a) Exchanges of forest lands in Missouri under Public Law 85-282, approved September 4, 1957 (71 Stat. 607; 7 U.S.C. 301 note).
 - (b) Exchanges of lands in Colorado under the Act of December 23, 1944, c. 722 (58 Stat. 924; cf. 16 U.S.C. 485 note).

Section 1(b) of Plan:

1. Accepting, in the Secretary's discretion, titles to private lands conveyed to the U. S. in exchanges under the Act of February 2, 1922 (42 Stat. 362). The exchanges under this Act are similar to those described in item 1 under the heading "Section 1(a) of Plan", above, except they are confined to the Deschutes National Forest and the State of Oregon, etc.
2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the statute.
3. Under the Plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U. S. in the exchange.

2/ The functions referred to in items 1 to 4, inclusive, above, and in other corresponding parts of this memorandum, are those expressed in statutory language and omit reference to incidental steps. As a practical matter, it is necessary for the Secretary of the Interior, for example, to review and approve titles to lands and to adjudicate any protests with respect to exchanges; these duties will be performed by the Secretary of Agriculture when the Reorganization Plan has become effective.

Section 1 (c) of Plan:

1. Accepting, in the Secretary's discretion, title to lands conveyed to the United States under the Act of June 7, 1924, 43 Stat. 643. Under this Act the U. S. may accept certain privately owned lands in New Mexico (chiefly valuable for national forest purposes, as determined by the Secretary of Agriculture), and, in exchange therefor, the Secretary of Agriculture may authorize the grantor to cut and remove timber within national forests in New Mexico.
2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the June 7, 1924, Act.
3. The function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) is not transferred. This is the only function under the June 7, 1924, Act, which will remain in the Secretary of the Interior under the Plan. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(d) of Plan:

1. Accepting, in the Secretary's discretion, titles to lands conveyed to the U. S. under the Act of January 12, 1925, (43 Stat. 739). This Act is similar to 43 Stat. 643, above, except that the location of the privately owned lands in New Mexico differs.
2. The function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) is not transferred. This is the only function under the ~~June 7, 1924~~, Act, which will remain in the Secretary of the Interior under the Plan. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(e) of Plan:

1. Accepting, in Secretary's discretion, titles to lands conveyed to U. S. in exchanges under the April 21, 1926, Act (44 Stat. 303).

Each such exchange involves the transfer to the United States of certain lands located in New Mexico which are privately owned, adjoin one or more national forests, and (as determined by the Secretary of Agriculture) are chiefly valuable for national forest purposes, and the exchange therefor of either (a) national forest lands in New Mexico or Arizona, or (b) the authorization (by the Secretary of Agriculture) to cut and remove timber within national forests in Arizona or New Mexico.

2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the statute.
3. Under the Reorganization Plan the Secretary of the Interior will have the nondiscretionary function of issuing patents to national forest lands given by the U. S. in the exchange. Further, the function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) will remain in the Secretary of the Interior. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(f) of Plan:

1. Accepting, in Secretary's discretion, titles to lands conveyed to the U. S. in exchanges under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38). Each such exchange involves the transfer to the United States of privately or State-owned lands in Montana and the exchange therefor of either (a) national forest land in Montana, or (b) the authorization (by the Secretary of Agriculture) to cut and remove timber within national forests in Montana.
2. That portion of the function of determining the values of lands or timber involved in exchanges under section 2 which is vested in the Secretary of the Interior (the Secretary's share of the joint determination).
3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under section 2 of the Act of May 26, 1926.
4. Under the Reorganization Plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U. S. in the exchange.

Section 1(g) of Plan:

Note: Section 1(g) of the Plan concerns the Act of June 15, 1926 (44 Stat. 746). That Act authorizes the exchange of lands of the State of New Mexico for "unappropriated, ungranted, national forest or other Government land belonging to the United States * * *." The Reorganization Plan affects only those exchanges in which the U. S. lands exchanged are national forest lands; items 1 to 4, below, are subject to this observation.

1. Accepting, in the Secretary's discretion, titles to lands conveyed to the U. S. in exchanges under section 1 or 2 of the June 15, 1926, Act (44 Stat. 746).
2. Giving, in the Secretary's discretion, U. S. lands in exchange for the lands so accepted.
3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under the June 15, 1926, Act.
4. Under the Reorganization Plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U. S. in the exchange.

Section 1(h) of Plan:

Note: The Act of December 7, 1942 (56 Stat. 1042), relates to certain exchanges of lands in Minnesota. There are three distinct provisions, for exchanges, in the Act. The Reorganization Plan does not concern exchanges under section 1 of the Act or under the portion of section 2 which precedes the first semicolon thereof. It does concern certain exchanges under the portion of section 2 which is between the first and second semicolons thereof; specifically, it concerns those exchanges thereunder in which the U. S. lands to be exchanged are lands under the jurisdiction of the Secretary of Agriculture and the lands received by the United States will, after the exchange, be under the jurisdiction of the Secretary of Agriculture. Items 1 to 6, below, are subject to this observation.

1. Accepting titles to lands conveyed to the U. S. in exchanges under the above-described part of section 2 of the December 7, 1942, Act.

2. That portion of the function of determining that an exchange is in the public interest which is now vested in the Secretary of the Interior (the Secretary's share of the joint determination (cf. sec. 4 of Act).
3. Attaching conditions and reservations to conveyances of lands to Minnesota.
4. Conveying U. S. lands, other than national forest lands reserved from the public domain, to Minnesota.
5. Except as indicated in item 6, below, all other acts required of the Secretary of the Interior under the statute.
6. The Secretary of the Interior will have, under the Plan, the nondiscretionary function of issuing patents to national forest lands reserved from the public domain which are given by the U. S. in the exchange. There are not transferred the functions of the Secretary of the Interior with respect to surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting Minnesota lands which become part of a national forest by reason of a land exchange under the 1942 Act.

CRITERIA

Section 1(a) of Plan:

Question (2)(a) criteria used by Interior in exercising discretion:

(1) The selected lands must be free from conflict and not occupied. For example, if the selected lands are affected by a mining claim, the land embraced therein could not be disposed of unless and until the invalidity of the claim had been established in appropriate proceedings. If the claim's validity were established, then the land would not be subject to disposal other than to the mining claimant under the mining laws.

(2) Available information must indicate that the public interests will be benefited by the exchange because of such factors as:

(a) Better utilization of timber and better management of forest lands.

(b) Improvement to, or lack of adverse effects on the local economy.

(c) Improvement of land patterns.

(d) Where minerals in the selected public lands are to be reserved, and such lands are withdrawn, classified, or reported to be valuable for leasable minerals or are within the geologic structure of a known field, the exchange will not be approved unless a determination can properly be made that such disposal will not unreasonably interfere with present or contemplated mineral leasing operations.

(3) The Secretary's regulations have been met.

(4) The lands in the exchange are adequately described and the selected lands are not subject to a withdrawal precluding their disposal, e.g. a powersite reserve.

Question (3)(a) criteria used by Interior in reserving minerals:

(1) Where the selector is not the owner of the minerals in the offered lands and is, therefore, not in a position to pass an unrestricted title, the selected lands will be patented with a like reservation to the Government, unless the appraisals of the exchanged lands show that the offered lands (less the mineral estate) are at least equal in value to the selected lands and the minerals therein.

(2) Where the selected lands are reported by the Geological Survey, or are otherwise known, to be prospectively valuable or valuable for minerals, the minerals will be reserved to the United States.

(3) It is generally preferred that neither part reserves minerals.

(4) If conveyance of minerals by both parties is not possible, the reservation by both parties of all the mineral rights is acceptable.

(a) This situation can arise where one party does not own all the minerals, or

(b) It can also arise when the minerals (owned by the United States or the exchange proponent) are encumbered by a lease, license, or permit.

(5) If the exchange cannot otherwise be consummated, both parties may reserve the same specified minerals, e.g. oil and gas, conveying the remainder of the mineral estate.

(6) Where a mineral reservation on the selected land is not otherwise indicated, and there are outstanding mineral leases or permits on the selected lands, they may be carved out of the conveyance for their duration and extensions authorized by law, with the United States remaining as the mineral lessor for such periods.

Section 1(b) (c) (d) (e) (f) (g) and (h) of Plan.

For question (2)(a) under Section 1 (b) (c) (d) (e) (f) (g) and (h) of the Plan please see the discussion above under question (2)(a) as answered for Section 1(a) of the Plan.

For question (3)(a) under 1 (b) (e) (g) (h) of the Plan please see the discussion above under question (3)(a) as answered for Section 1(a) of the Plan.

NOTE: We are aware of no cases which have arisen under Section 1(b) (c) (d) (f) (g) and (h) of the Plan; hence our answers to questions regarding the function and criteria exercised by the Interior Department are projections of the determinations made under Section 1(a) of the Plan. Only one patent has been issued under Section 1(e) of the Plan.

B - SUBSECTION REGARDING PROCEDURES
USED BY THE INTERIOR DEPARTMENT
AND A FLOW CHART SHOWING THESE
PROCEDURES

Section 1(a) of the Plan:

Question 4(a) Organizational machinery and procedures used to do the following:

- (1) clear land status;
- (ii) avoid conflicts in land claims and interests;
- (iii) maintain adequate and up to date land records.

These functions are described jointly and pertain to land status, conflicting claims or interests, and adequate up to date land records.

The Department of the Interior has provided means, both procedurally and organizationally, to insure that all title transactions are proper, legal, do not jeopardize individual property rights or interests, and are accurately posted on the official land records.

The organizational machinery necessary to carry out such procedures is essentially the same as for all types of land cases processed by the Bureau of Land Management from the adjudicative field level to the Secretary of the Interior. (See Appendix 2, Official Organization Charts.) The Land Office for the State in which the lands involved are located is the Bureau's designated office for the filing and processing of forest exchanges. To perform these functions, the Land Office uses the services of receiving clerks, accounting clerks, status clerks, land law clerks, land law examiners, adjudicators, and cadastral engineers, at the field level of operations, and technical guidance and assistance at all levels of the organization.

In carrying out these functions, the Bureau of Land Management uses the procedural checks listed below which are further defined in the flow chart, (Appendix 1):

1. Posting of the application in the appropriate land and status records (tract and plat books).
2. Preparation of a status report from the Land Office records for both the offered and selected land. This results in a listing of all patents, withdrawals, minerals permits, mineral leases, mineral licenses, surface jurisdiction of unpatented mining claims determined pursuant to Public Law 167, rights-of-way, conflicting applications, or any other land or mineral transaction on national forests for which the Bureau of Land Management has official recording responsibilities.
3. Examination of the official plats of survey, to insure that the lands are properly described in terms of the public land surveys. (When necessary, cadastral surveys are requested.)
4. Checking of acreage data submitted against the official records for accuracy as to both offered and selected land.
5. Examination of the file to determine whether the Forest Service has certified that the selected lands are free of conflicts and are not occupied.
6. Examination of the file to determine whether the Forest Service has certified that county officials have been notified and have no objections in all cases where the selected lands exceed \$5,000 in value.

7. Requiring that proof be submitted showing that a notice of the exchange was published once each week for four consecutive weeks in a newspaper of general circulation in the county or counties where the offered and selected lands are situated. The purpose of such a notice is to allow an opportunity to all persons claiming interests in the lands or having valid objections to the exchange to file appropriate protests and have them considered before final action is taken on the cases.
8. Requiring that affidavits be submitted showing that a similar notice was posted in the Land Office and in the Office of the Forest Supervisor of the national forest or forests involved.
9. Review of all protests to determine their merits.
10. Allowing all parties who are adversely affected by a decision of an officer of the Bureau other than the Director, the right of appeal to the Director and if adversely affected by the Director's decision, the right of appeal to the Secretary of the Interior. This right is afforded pursuant to the rules of practice contained in 43 CFR 221.
11. Acquisition of a title option from the field solicitor as to the adequacy of the title material conveying land to the United States.
12. Taking no final action toward issuance of a patent until all conflicts have been processed to completion.
 - (iv) determine whether or not there are minerals, and what kind of minerals, in lands involved in exchanges;
 - (v) to determine whether to reserve the minerals, easements or other property:

Whether or not there are minerals, and what kind of minerals in lands involved in exchanges is determined by the Land Office from an examination of, (a) the official tract and plat books which show applications, permits, and leases under the minerals leasing act and applications for patent under the general mining laws; (b) reports

received from the U.S.G.S. showing value or prospective value of the lands for various minerals, (c) reports of field examinations by the Forest Service, BLM, or other agencies; and (d) technical papers and bulletins affecting the land involved.

The facts obtained from examination of these data, coupled with the criteria discussed in Subsection A above, is the basis for determining whether to reserve minerals in lands involved in exchanges. Either party to the exchange may reserve easements but the BLM prefers they be kept to a minimum. Easements on forest lands are not shown on the official Land Office records except for those granted by BLM under Section 4 of the Act of February 1, 1905 (33 Stat. 628; U.S.C. 524). Such easements are of record and are reserved in any land title conveyance.

(vi) to subsequently dispose of any minerals or other property which has been reserved:

Minerals, easements, or other property reserved to the United States in lands patented through exchanges are subsequently made available for lease or disposal under regulations contained in 43 CFR and the procedures contained in Volumes V and VI of the BLM Manual or applicable Department of Agriculture regulations and procedures. Locatable minerals are disposed of in the same manner as on other lands patented with mineral reservations such as lands patented under the Stock Raising Homestead Act. Leasable minerals are disposed of in the manner provided for in issuing leases and permits under the leasing act. Adequate bonds are used as a tool in both instances to protect and compensate the surface owners for any damage to crops or tangible improvements.

Question 7(1) Detailed flow chart showing procedure used:

(See Appendix 1)

Sections 1 (b) (e) (g) and (h) of the Plan

Questions (4) (a)

Answers are identical with the answer to question (4)(a) under Section 1(a) of the Plan.

Questions (7)(1)

Flow charts are identical with flow chart for Section 1(a) of the Plan.

Section 1(c) and (d) of the Plan

Questions (3)(a)

Answers are identical with the answer to question (4)(a) under Section 1(a) of the Plan, except: These acts authorize a grantor of land to the United States to cut and remove timber within national forests in New Mexico but do not authorize the selection of lands. Accordingly, no title is conveyed by the United States and wherever the words "selected lands" are used in the procedures should be replaced with the words "timber to be cut and removed."

Questions (6)(1)

Flow charts are identical with flow chart for Section 1(a) of the Plan, except: No title transfers of land by the United States are involved. All steps relating to "selected lands" should be changed to "timber to be cut and removed." Reference to issuance of patent should be eliminated.

Section 1(f) of the Plan

Question (3)(a)

Answer is identical with answer to question (4)(a) under Section 1(a) of the Plan, except: Determination of value of lands involved in these exchanges is made jointly by the Department of Agriculture and Department of Interior. The appraisal is made for the Department of Interior by a land examiner at the field level using standard appraisal methods and techniques. The appraisal is incorporated in the report to the Land Office recommending rejection or conditional approval of the exchange.

Question (6)(1)

Flow chart is identical with flow chart for Section 1(a) of the Plan, except: Appraisal is made at Step 7 on the chart.

C - SUBSECTION REGARDING THE NUMBER
OF CASES INVOLVED, ACTION TAKEN
DURING THE FIVE CALENDAR YEARS
1954 - 1958, AND THE CASES PENDING AS OF JANUARY 1, 1959

Section 1(a) of the Plan

Question (5)(a) - Number of exchanges made under act of March 20, 1922:

1954 - 20
1955 - 34
1956 - 19
1957 - 26
1958 - 20

Total - 119

Question (5)(b) - The number of exchanges in which the United has reserved minerals on the basis of data supplied by the Interior Department:

This question can best be answered as follows: Thirty-two exchanges had mineral reservations. Of these 32, 20 of the original applications specified that mineral reservations would be acceptable on the selected lands. Of these 20, 14 cases contained statements from the U. S. Geological Survey indicating that the land had mineral value. In the other six of these 20 cases, the U. S. Geological Survey reported no mineral value but reservations were made anyway.

Minerals were reserved in the other 12 of the 32 cases on the basis of the U. S. Geological Survey report only, and on these 12, it was necessary for the Interior Department to go back to the Agriculture Department to determine whether the mineral reservation would affect the appraised value used.

Question (5)(c) - The number of exchange proposals in which the Interior Department requested additional data with respect to (i) title and (ii) other matters:

(i) title matters - 35

(ii) other matters - 6

Question (5)(d) - The nature of the data referred to in the preceding clause:

- (i) title data - (all data was requested by the Solicitor's Office)

Data regarding property taxes	10 cases
Data regarding instrument recording	5 cases
Lack of certificate of inspection	5 cases
Data regarding reservations	3 cases
Data regarding title progression	7 cases
Miscellaneous	5 cases

- (ii) other matters

Protests and appeals - need further data	4 cases
Evidence of notices	2 cases

Question (5)(e) - The number of exchange proposals which have been denied or modified in any way as the result of information supplied or suggestions made by the Interior Department:

- | | |
|--------------------|----------|
| (i) denials | none |
| (ii) modifications | 12 cases |

Question (5)(f) - The reasons for the denial or modifications mentioned above:

- | | |
|--------------------|------|
| (i) denials | none |
| (ii) modifications | |

These were the exchanges referred to under question (5)(b) where U. S. Geological Survey reported the lands as prospectively valuable for minerals and minerals were subsequently reserved, although the Agriculture Department had not contemplated such a reservation in their proposal.

Question (6) - Statement of applications now pending under the Act:

(See Department of Agriculture Report)

Sections 1(b), (h), and (g) of the Plan

Question (5)(a) - Number of exchanges made under the Act during five calendar years 1954 - 1958:

None

Questions (5)(b), (c), (d), (e), and (f) are therefore not pertinent.

Question (6) - Applications pending:

(See Department of Agriculture Report)

Sections 1(c), (d), and (f) of the Plan

Question (4)(a) - Number of exchanges made under the Act during five calendar years 1954 - 1958:

None

Questions (4)(b), (c), (d), (e), and (f) are therefore not pertinent.

Question (5) - Applications pending:

(See Department of Agriculture Report)

Section 1(e) of the Plan

Question (5) - Number of exchanges made during five calendar years 1954 - 1958:

One exchange was completed under this Act and patent was issued in 1958. No minerals were reserved and no additional information was requested from the Department of Agriculture.

Question (6) - Applications pending:

(See Department of Agriculture Report)

PART II - ISSUANCE OF QUITCLAIM DEEDS (Section 1(1) of the Plan)

Question (1)(a) - Procedures used by Interior:

The Land Office for the State in which the lands are located is the organizational machine responsible for issuing quitclaim deeds (See Appendix 2). Written procedures have been prepared by the Bureau of Land Management for the use of field offices. The Land Office has available the official records and files necessary to insure clearance of the land status, avoid conflicts in land claims and interests; and for accurate and up-to-date recording. The flow chart attached as Appendix 3 gives detailed information regarding these procedures.

Question (2) - Number of actions taken by Interior during the five calendar years 1954 - 1958:

1954 - 1
1955 - none
1956 - 1
1957 - 2
1958 - none
Total - 4

Question (3)(i) - Flow chart showing present procedures:

(See Appendix 3)

PART III - SALE OF LAND IN TONGASS NATIONAL FOREST - (Section 1(j) of the Plan)

Question (1) - Function of the Secretary of the Interior:

1. Appraisal and sale of U.S. lands described in section 2(b) of the Joint Resolution of August 8, 1947, 61 Stat. 921. The lands so described are vacant, unappropriated, and unpatented lands within the exterior boundaries of the Tongass National Forest in Alaska.
2. That portion of the following which is vested in the Secretary of the Interior: (a) the determination that the lands are reasonably necessary in connection with or for the processing of timber from lands within the national forest, and (b) the fixing of the terms and conditions of sale.
3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under section 2(b) of the August 8, 1947, act.
4. Under the Reorganization Plan, the Secretary of the Interior will have the nondiscretionary duty of issuing, upon the recommendation of the Secretary of Agriculture, patents for lands sold.

Question 2(a) - Criteria used by the Secretary of the Interior:

1. The public interest is the major criterion for determining whether land is to be sold under section 2 of the Joint Resolution of August 8, 1947 (61 Stat. 921). The public interest encompasses:
 - (a) Consideration whether the land sought is a "key" tract in relation to other Federal lands which themselves are required for retention; for example, a key tract providing water resources or access essential to the use and administration of adjacent Federal lands.
 - (b) Consideration whether the land sought is a "key" recreational or wildlife site requiring Federal ownership to protect conservation values.
 - (c) Consideration whether the land sought is a critical watershed protective site requiring Federal ownership to assure conservation objectives.

- (d) Consideration whether the land sought is a site of an unpatented mining claim which appears to be valid.
- (e) Determining whether the disposal of the land will tend to promote the local timber economy and the maximum proper utilization of the timber resource.

- 2. Land lying within the geologic structure of a field, or withdrawn, classified or reported as valuable for any of the leasable minerals will not be authorized for disposal unless it is first determined that such disposal will not unreasonably interfere with contemplated or present mineral leasing operations.

Question 3(a) - Criteria for reserving minerals:

Those leasable minerals would be reserved for which the land is withdrawn, classified, or reported to be valuable. In addition, if at the time of conveyance there were outstanding any mineral leases or permits, the patent to the land would except therefrom the particular minerals involved, for the duration of the leases and permits, and any extensions and renewals thereof.

Question 4(a) and 7(1) - Procedure and flow chart:

As stated in (5) below, only one sale has been made under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921). Accordingly, detailed written procedures and flow charts have not been developed by the BLM. However, the procedures and flow charts which would be used for processing these types of sales would be identical with those described in Section 1(a) of the Plan above to clear land status; to avoid conflicts in land claims and interests; to maintain adequate and up-to-date records; to determine whether to reserve the minerals, easements and other property; and to dispose of any minerals or other property reserved.

The procedure and flow chart differs with respect to the issuance of patent from that described in Section 1(a) of the Plan above in that the Classification Officer of the BLM field office prepares an appraisal report based on written procedures established for conducting real estate appraisals using standard, recognized techniques. Upon payment of the appraised value by the applicant, the Land Office Manager issues a final certificate to the Patent Officer for preparation of a patent. The original patent is duly noted on the Land Office records and delivered to the applicant.

Question 5 - Sales made under the act.

Only one patent has ever been issued under this act. It was issued in 1958 and no mineral reservation was made.

Question 6 - Pending applications:

See the Agriculture Department report.

PART IV - SALES OF LANDS UNDER WEEKS ACT (Section 1(k) of the Plan)

. Question (1) - Function of the Secretary of the Interior:

That portion of the function of prescribing rules and regulations, governing the sale, etc., of lands, which is vested in the Secretary of the Interior by section 10 of the Weeks Law (Act of March 1, 1911, 36 Stat. 962, 16 U.S.C. 519). The rules and regulations are now required by the statute to be issued jointly by the Secretary of Agriculture and the Secretary of the Interior. The said lands are lands chiefly valuable for agriculture, which were included in tracts acquired under the said Law, may be occupied for agricultural purposes without injury to the forests or to stream flow, and are not needed for public purposes.

Question (2)(a) - Criteria used by Interior in exercising discretion under the Act:

No discretion is vested in the Secretary of the Interior other than in the formulation with the Secretary of Agriculture of joint rules and regulations, found in 36 CFR, 1958 Supplement, Part 281.

Question (3)(a) - Criteria used by Interior in reserving minerals under the Act:

Under the joint regulations, 36 CFR, 1958 Supplement, Part 281.10, the determination of whether mineral reservations should be made is committed to the Secretary of Agriculture solely.

Question (4), (5), (6), and (7) pertain solely to the Department of Agriculture since no cases are processed under this law by Interior.

PART V - DISPOSAL OF MINERAL MATERIALS FROM ACQUIRED LANDS
UNDER JURISDICTION OF THE DEPARTMENT OF AGRICULTURE -
(Section 1(1) of the Plan)

Question (1) - Function of the Secretary of the Interior:

Section 402 of the President's Reorganization Plan No. 3 of 1946 (60 Stat. 1099), transferred the functions of the Secretary of Agriculture and the Department of Agriculture relative to the leasing or other disposal of minerals in certain acquired lands to the Secretary of Interior.

This proposed transfer would involve those functions of the Secretary of Interior which relate to processing of applications for prospecting permits and leases authorizing the mining and removal of sand and gravel and other common varieties of mineral materials from acquired lands that are under the jurisdiction of the Department of Agriculture. It does not include the disposition of mineral materials in lands originally acquired by Agriculture but which are now under the jurisdiction of Interior or other Federal department, nor does it include the so-called leasable minerals which are subject to disposition under the Acquired Lands Mineral Leasing Act of August 7, 1947 (61 Stat. 913, 30 U.S.C. 351).

Question (2)(a) - Criteria used by the Secretary of the Interior:

Inasmuch as no prospecting permits or leases will be issued for minerals subject to disposal under authority of Reorganization Plan No. 3 of 1946 without the consent of the agency having jurisdiction over the surface of the lands containing such deposits, the only factor considered by the Secretary of the Interior in exercising his authority to dispose of said mineral deposits is whether the lands are available for prospecting or development and not included in a prior application or outstanding permit or lease.

The element of "public interest" is involved only where the minerals are owned by the United States but the surface rights have passed into private ownership, including State ownership. The proposed reorganization plan limits the transfer of authority under the plan to mineral deposits in lands under the jurisdiction of the Department of Agriculture. It is assumed that this authority would not extend to mineral deposits in lands originally acquired by agencies of the Department of Agriculture where the surface rights have since been sold or else transferred to a State or other Federal agency.

Question (3) (a) - Procedures and organizational machinery used by the Secretary of the Interior in disposing of mineral materials:

The authority of the Secretary of the Interior to dispose of mineral deposits in lands acquired by the Department of Agriculture under the acts listed in Reorganization Plan No. 3 (1946) has been delegated to the Bureau of Land Management. The regulations 43 CFR 200.31-200.51, as revised May 23, 1958, govern the disposition of the so-called "hardrock" minerals in these lands. The procedures established under these regulations provide for the issuance of prospecting permits or leases only to citizens of the United States or corporations organized under the laws of the United States or any State or Territory thereof, and prescribe a maximum acreage limitation which may be held by any one person or corporation at one time in any State of 20,480 acres under both permits and leases of which not more than 10,240 acres may be held under lease except under certain circumstances.

Three types of records are maintained by the Bureau of Land Management in connection with these permits and leases, (1) case folder, which contains all the pertinent documents and correspondence involving particular application and permit and lease when issued; (2) serial register sheet, which contains a chronological history of the case, and (3) a plat or township diagram, which is a record of land status and shows all the applications filed for a particular tract of land, as well as the permits or leases issued for such land.

Upon the filing of an application for prospecting permit (no special form of application is required), the application is identified by a serial number, the filing fee and advance annual rental credited to the proper account, serial register sheet prepared, and the filing of the application and the lands described therein noted on the appropriate plat or township diagram maintained by the Land Office having jurisdiction over the lands.

The regulations limit the area covered by a single application to 2,560 acres which must lie entirely within a six-mile square. The lands, if surveyed, must be described by legal subdivision, section, township and range, and if unsurveyed, by metes and bounds or such other means as will accurately identify the lands for which permit is desired, accompanied by a plat or map showing the location thereof.

The Bureau of Land Management does not maintain records of the lands acquired by various agencies of the Government and applicants for mineral permits and leases are requested to identify the agency having jurisdiction over the lands applied for. If the applicant cannot do so, the Land Office status records of prior applications covering the same lands might provide that information. Until that fact is established, the Land Office has no means of verifying the ownership of the minerals and the application cannot be processed further.

The application is next reviewed as to the applicant's qualifications (showing as to citizenship and compliance with acreage limitations) and the application checked for compliance with the regulations as to adequacy of land description and payment of fees and rentals. Title report as to the ownership of the mineral interest applied for is obtained from the agency having jurisdiction over the lands containing such deposits, together with consent of such agency to disposition of the mineral deposits and recommendations as to any stipulations which should be included in and made a part of the permit or lease in order to adequately protect the use of the surface of the land for the purpose for which it was acquired or is being administered.

In some cases title information must be furnished by the acquiring agency even though that agency may no longer own or have jurisdiction over the surface rights. In the case of certain lands acquired by agencies of the Department of Agriculture such as the Soil Conservation Service and Farmers Home Administration where the title records are now in the custody of the Bureau of Land Management, the necessary verification of mineral ownership is made by the appropriate Field Solicitor for the Interior Department.

A copy of the application is also forwarded to the appropriate Regional Mining Supervisor of the Geological Survey for report as to whether prospecting is necessary to determine the existence and extent of mineral deposits in the lands, or whether, if the lands are known to contain valuable mineral deposits, same should be offered for lease through competitive bidding.

If all reports are favorable, the permit will be issued. Prospecting permits are issued for a term of two years, with a right to a single two-year extension, and grant the permittee the exclusive right to prospect for minerals on the permit lands. Annual rental is payable at the rate of 25¢ per acre or fraction thereof.

Upon discovery of minerals in commercial quantity upon the permit lands, permittee is entitled to a preference right lease. Such lease would be issued for a term of five or ten years, with the right to renewal for successive periods of like duration. The lease terms and conditions relating to annual rental, amount of bond, minimum royalty, and rate of royalty on production are established on an individual case basis.

Where lands are reported to contain deposits of minerals in commercial quantity or application is made for competitive leasing of certain lands, the procedure set out herein for processing applications for prospecting permits is followed in determining whether the lands are properly subject to and available for competitive lease offering.

Notice of the lease offer is published in a local newspaper for four consecutive weeks, giving full details of the lease offer and whether sale will be by oral auction, sealed bid, or both. Lease will be awarded to the qualified bidder of the highest amount per acre, and will be issued under the terms and conditions set out in the notice of lease offer.

Question (4) - Number of mineral disposals during 1954-1958:

Approximately 25 applications for prospecting permits were filed during the calendar years 1954-1958 involving sand and gravel which is a mineral material of the type that would have been disposed of by the Secretary of Agriculture had the proposed reorganization plan been in effect. No applications for other types of common varieties of mineral materials were received.

Question (5) - Description of types of mineral materials affected by the plan:

Deposits of common varieties of sand, stone, gravel, pumice, pumicite, of cinders, and other "common varieties" as used and defined in the Act of July 23, 1955, would be subject to disposition under the proposed plan.

The plan would not affect:

- (a) oil, gas (including helium), coal, oil shale, phosphate, sodium, potassium, or sulfur. These

are generally referred to as "leasable" or "leasing act" minerals. The authority for their disposal is in the Secretary of the Interior under the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351-359), and the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181-287).

- (b) metalliferous minerals, including iron, uranium ores, gold, lead and zinc; copper, tin, silver, manganese, bauxite, molybdenum; precious stones. A complete list is not feasible. Nor would it include
- (c) those mineral materials in acquired lands which if occurring in the public lands would be subject to location and entry under the general mining laws.

Disposal of mineral materials on reserved public lands by this Department has been limited to the "Common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay, and other mineral material not locatable under the general mining laws.

Question (6) - Data on applications now pending for disposal of mineral materials affected by the plan:

There are no applications pending before this Department involving mineral materials affected by the proposed plan. There are, however, nine prospecting permits covering lands in Louisiana, Florida, Michigan, and Montana which have not yet ripened into preference right leases. Also outstanding are seven producing leases for sand and gravel involving lands in Louisiana and Mississippi. Full details as to these permits and leases, including information on amount of production, will be furnished if desired.

Question (7) - Flow charts showing action taken in processing and disposal of mineral materials affected by the plan:

(See appendix 4)

Question (8) - Effect of plan on mineral deposits reserved to the United States in lands patented under the public land laws:

This plan would not transfer jurisdiction over the disposition of mineral deposits reserved to the United States in lands patented under the public land laws. Authority to dispose of common varieties of mineral materials in public domain lands under the jurisdiction of the Department of Agriculture was transferred to the Secretary of Agriculture under Public Law 167, approved July 23, 1955 (30 U.S.C. 601 et seq).

PART VI - NUMBER OF JOBS, FUNCTIONS, AND SALARIES TO BE ELIMINATED

While a certain number of functions now performed by Interior connected with national forest exchanges and forest management will be eliminated or transferred to Agriculture if the Plan becomes effective, there is no possibility that this Department can eliminate jobs or salaries as a consequence thereof. The reasons are readily apparent in the discussion which follows:

Functions to be eliminated in the Department of the Interior by reason of the transfer include the following:

- (a) Examining and accepting titles to land conveyed in national forest exchanges;
- (b) Determining that proposed land exchanges are in the public interest;
- (c) Arranging for reservations of timber, minerals, or easements with respect to U. S. lands to be conveyed in an exchange and acceptance of such reservations in lands to be acquired in exchange;
- (d) Execution of quitclaim deeds to conveyors of land if deeds have been recorded and subsequently the exchange is abandoned;
- (e) Appraising and selling land in Tongass National Forest for timber processing sites;
- (f) Agreeing to regulations for sales of unneeded lands in national forest chiefly valuable for agricultural purposes;
- (g) Disposal of certain common minerals (materials) in some national forest lands.

Responsibility for exercising the foregoing functions is vested largely in the Bureau of Land Management, although the Solicitor accomplishes the legal and title work and the Secretary must make determinations that proposed land exchanges are in the public interest in cases where U. S. land to be exchanged is appraised at more than \$250,000. The Bureau responsibility for these functions is divided between numerous persons in the Washington office as well as numerous personnel in 4 area offices, 11 state offices, 16 land offices, and a number of district forestry offices. Several hundred personnel may be involved in the processing of rather limited number of cases involved in any given year. Yet not a single employee of the Department devotes even a considerable fraction of his time in any one year to the functions listed. Such personnel perform these functions as a part of a general

assignment of duties of a particular type. For instance, personnel specializing in examining forest land exchange documents also handle a much larger number of documents pertaining to exchanges of public domain lands pursuant to provisions of the Taylor Grazing Act. Similarly, persons concerned with disposal of common minerals on national forest lands also handle a far greater volume of cases involving common minerals and valuable minerals coming under the Mineral Leasing Act on public domain lands. In total, the Bureau of Land Management handles a total of more than 150,000 applications a year involving land use and disposal actions. Of this total, we estimate that approximately 50 cases in an average year would be handled exclusively by Agriculture if the Plan becomes effective.

Although no jobs could be eliminated, the time and effort thus saved is required to be applied to the very great backlog of cases now burdening the Bureau of Land Management. This backlog now amounts to more than 100,000 cases which represents many months of work. The Government can ill afford any unnecessary duplication of effort in such work in the face of such a backlog.

Although no positions in Interior could be eliminated or transferred to Agriculture, the Plan has very real benefits. Considerable duplication of effort between Interior and Agriculture could be avoided. The key action in the statutes pertaining to forest land exchanges is the determination that the exchange would be in the public interest, now an Interior function. Yet, Agriculture, which initiates the exchange, must make the same studies, analyses, and evaluations leading up to its conclusion that the exchange would be in the public interest before the case can go to Interior for determination.

The most important benefit will accrue to the public. Parties exchanging land will have to deal with one Federal agency instead of two. Further, in the Eastern State where much of these (mineral) transactions arise, the Department of Agriculture has many local field officials. The Bureau of Land Management has none outside Washington in this area. Obviously, conducting these transactions on the ground rather than by mail will be much more effective. These advantages will result in much more prompt action, of particular importance to persons desiring to obtain common minerals such as sand, gravel, clay, etc., in the Eastern national forests. In most instances, the amounts of, and value of, these minerals desired are low. Yet applications for them must pass through the present cumbersome, time-consuming, and inefficient process which must involve two Departments, including the Washington offices of both.

12. Notifies engineering office of any need for cadastral surveys with copy to the Forest Service.
13. Posts in the Land Office the notice of proposed exchange and certifies as to the posting at end of posting period.
14. Receives from the U.S.F.S.: (a) proof of publication and posting; (b) title evidence; (c) protests, if any.
15. Has title papers examined by title officer.
16. Has protests, if any, reviewed by classification officer.
17. Rejects application if protests have merit, giving right of appeal. Processes any appeals in accordance with 43 CFR 221.
18. Dismisses protests if without merit, giving right of appeal, and processing any appeal in accordance with 43 CFR 221.
19. Processes all conflicts of record in the usual manner.
20. If title is acceptable and action on dismissal of protests, if any, becomes final, issues decision accepting title and authorizing a patent to be issued.
21. Notes official records as to acceptance of title to the offered land.
22. Forwards necessary documents to patent-issuing officer for issuance of patent.
23. Issues a patent for the selected land.
24. Sends original patent and carbon copy to Chief, Forest Service, Washington, D.C. and one carbon copy to the Land Office.
25. Notes official records as to issuance of patent on basis of the signed carbon copy of patent.

NOTES

Note 1 - The letter of proposal must contain the certification of a responsible officer of the U.S.F.S. that: (1) the offered lands are chiefly valuable for national forest purposes; (2) the value of the selected lands or timber does not exceed the value of the offered lands; (3) County officials have been notified of the proposed exchange in cases where the selected lands exceed \$5,000 in value and such officials have interposed no objection to the exchange; (4) the selected lands are free of conflicts and are not occupied; (5) the regulations have been complied with; (6) the public interest will be benefited by the exchange.

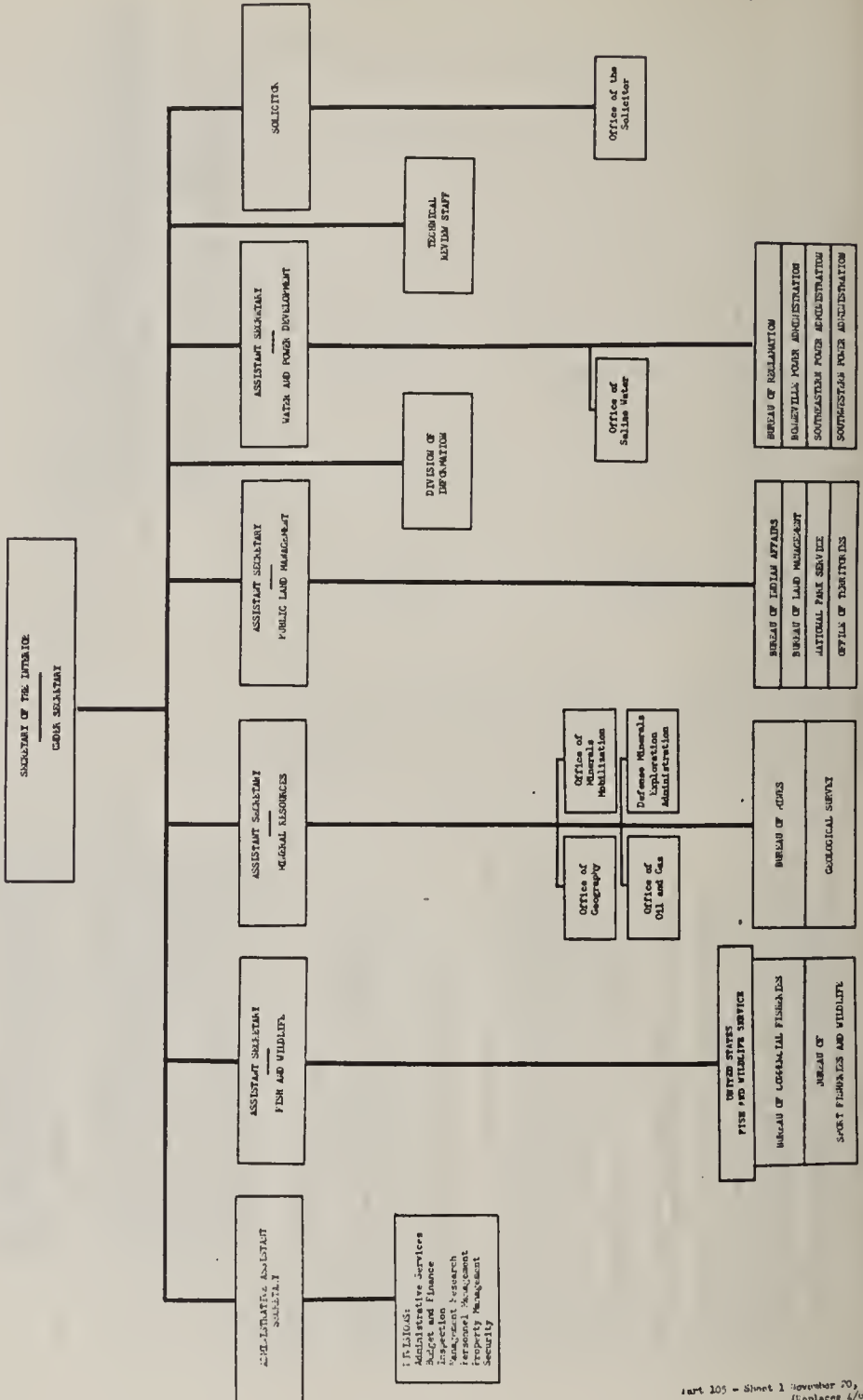
Note 2 - Conditional approval will be recommended if the criteria contained in Note 1 are favorably met and if available information indicates that the public interest will be benefited because of such things as better utilization of timber, better management of forest lands, improvement of land pattern, improvement to, or lack of adverse effects on the local economy.

Note 3 - If the authorized officer of B.L.M. does not give conditional approval or take other action on the application within 30 days from the time of filing of the application in the Land Office, the exchange shall be considered as conditionally approved.

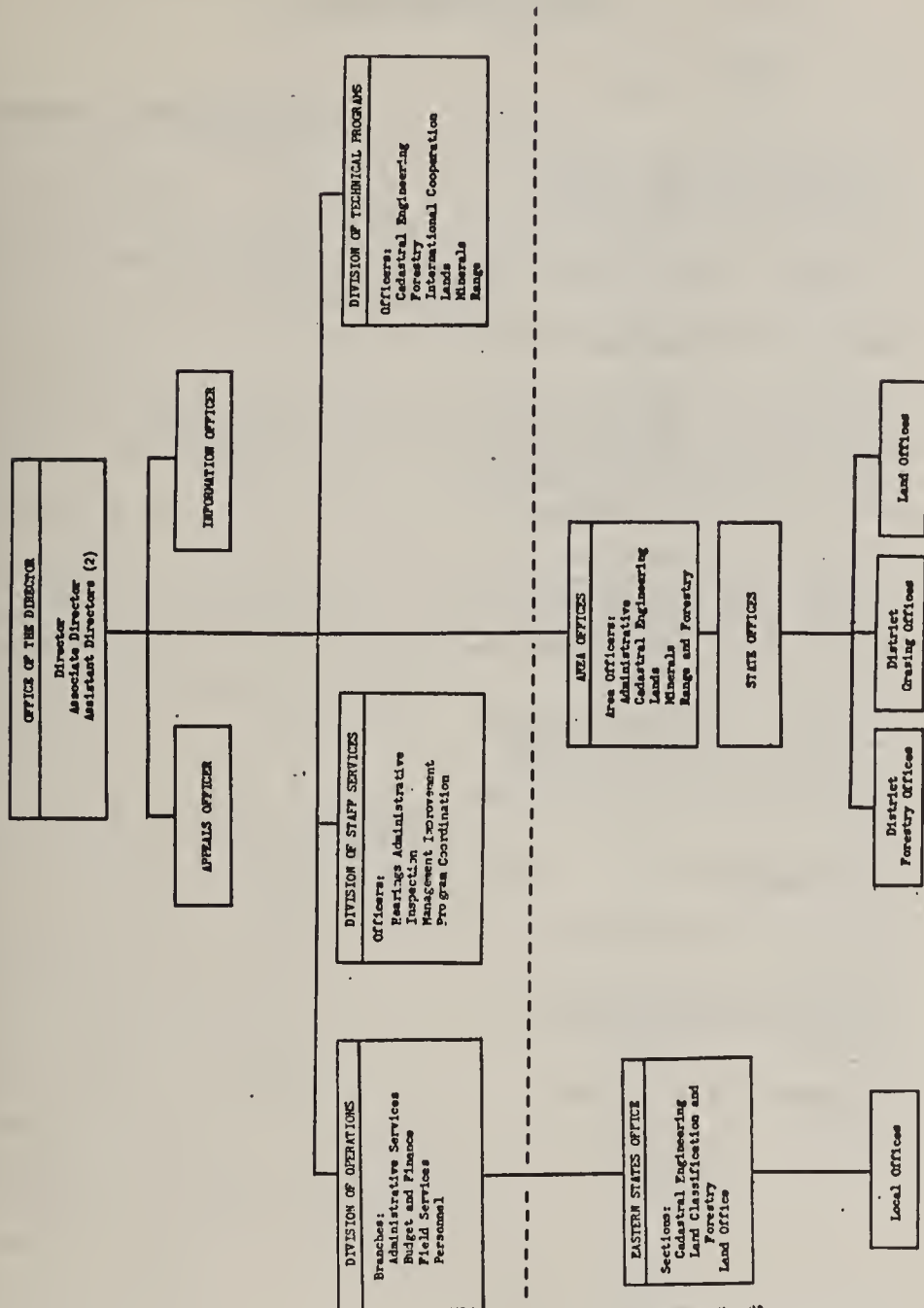
Note 4 - The approval is conditioned upon: (a) submittal of satisfactory title to the offered land; (b) full compliance with regulations by the proponent of the exchange; (c) lack of valid protests after publication and posting of the proposal; (d) curative action of any defects shown by the record.

APPENDIX 2

ORGANIZATION OF THE DEPARTMENT OF THE INTERIOR



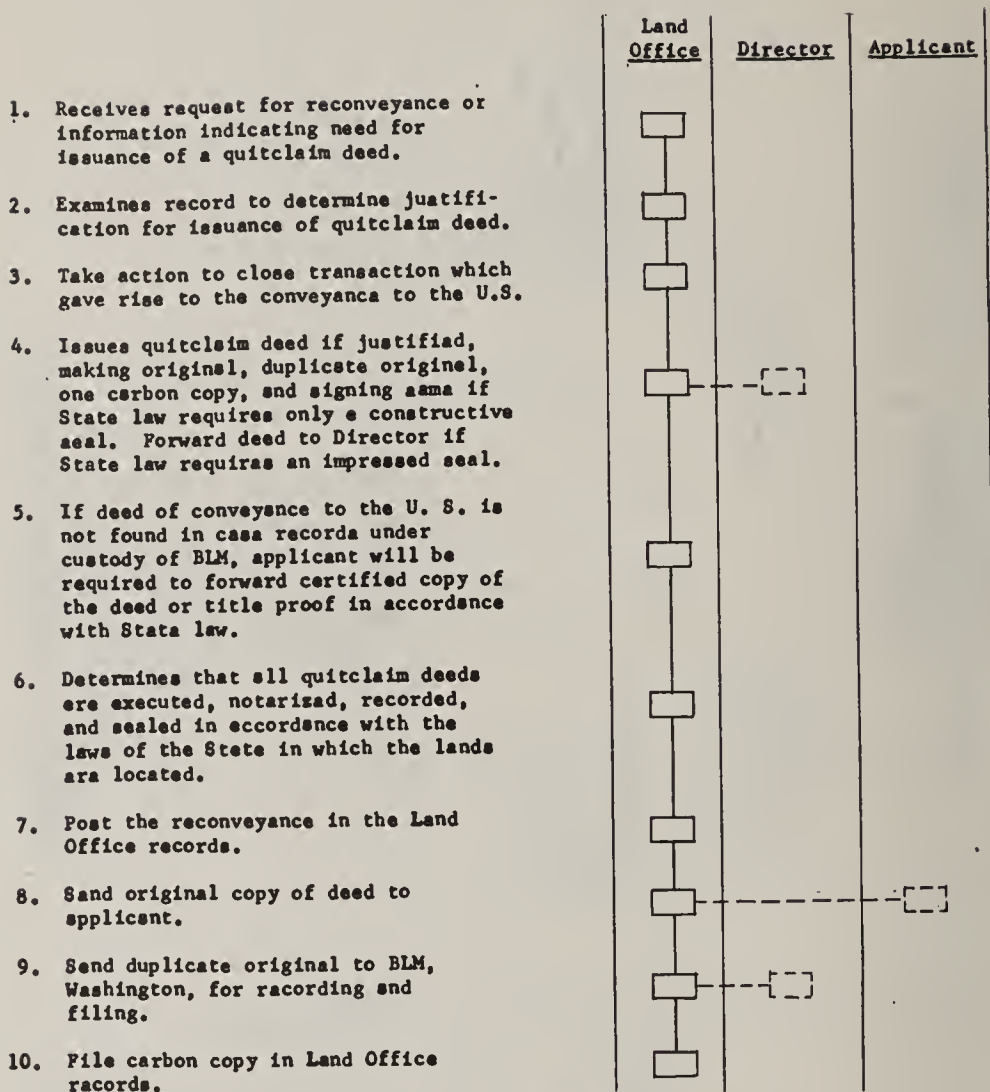
ORGANIZATION -- BUREAU OF LAND MANAGEMENT



4/8/57 - Rel. No. 83
 Replaces 5/15/56 Part 135 - Sheet 1

APPENDIX 3

FLOW CHART
FOR
ISSUING QUITCLAIM DEEDS



APPENDIX 4

FLOW CHART

SHOWING PROGRESSION AND ACTION TAKEN BY THE DEPARTMENT OF THE INTERIOR
RELATIVE TO DISPOSITION OF MINERAL MATERIALS UNDER AUTHORITY OF SECTION 402,
OF REORGANIZATION PLAN NO. 3 OF 1946

Action Taken	U.S.D.A.	U.S.D.I.		
		Land Office	Geological Survey	Applicant
<u>Prospecting Permit:</u>				
Application received for prospecting permit. Stamp application to show date and time of filing and assign serial number.		☐		
Account for monies - Filing Fee and Rentals.		☐		
Note records - Alphabetical Index, Serial Page and Tract Book.		☐		
Examine for applicant's qualifications. Check for validity of application and if free of conflicts. If application defective or conflicts in entirety, reject application.		☐		
If application proper, copy to USDA for title report and consent.	☐	☐		
Report requested from USGS.		☐	☐	
If title report acceptable and consent received, and USGS reports lands not classified as valuable for minerals - Issue permit for two years.		☐		
If USGS reports lands valuable for minerals, reject application. (Lands subject to competitive lease)		☐		
<u>Application for Extension:</u>				
Application for extension filed within 90 days prior to expiration of permit. Application stamped to show date and time of filing.		☐		
Account for Filing Fee and Rental.		☐		
Posted on Serial Page.		☐		
Report requested from USDA.	☐	☐		
Report requested from USGS.		☐	☐	
Favorable reports received from USGS and USDA - Permit extended for two years.		☐		
<u>Preference Right Lease:</u>				
Application for preference right lease based on discovery on permit lands. Stamp application to show date and time of filing.		☐		
Account for Rental Paid.		☐		
Note on Serial Page.		☐		
Request USDA for consent.	☐	☐		
Request report and recommendations from USGS as to Term of lease, Rental, and Rate of royalty.		☐	☐	
If reports are favorable, request bond from applicant.		☐		☐
When bond furnished - Issue lease.		☐		

FLOW CHART

7
SHOWING PROGRESSION AND ACTION TAKEN BY THE DEPARTMENT OF THE INTERIOR
RELATIVE TO DISPOSITION OF MINERAL MATERIALS UNDER AUTHORITY OF SECTION 402,
OF REORGANIZATION PLAN NO. 3 OF 1946

Action Taken

Competitive Lease:

Application for lease on lands known to contain valuable minerals. Application stamped to show date and time of filing, and serialized.

Note records - Alphabetical Index, Serial Page, and Tract Book.

Examine for applicant's qualifications. Check for validity of application and if free of conflicts.

If application proper - to USDA for title report and consent.

Report requested from USGS as to existence of mineral in commercial quantity, terms of competitive lease, etc.

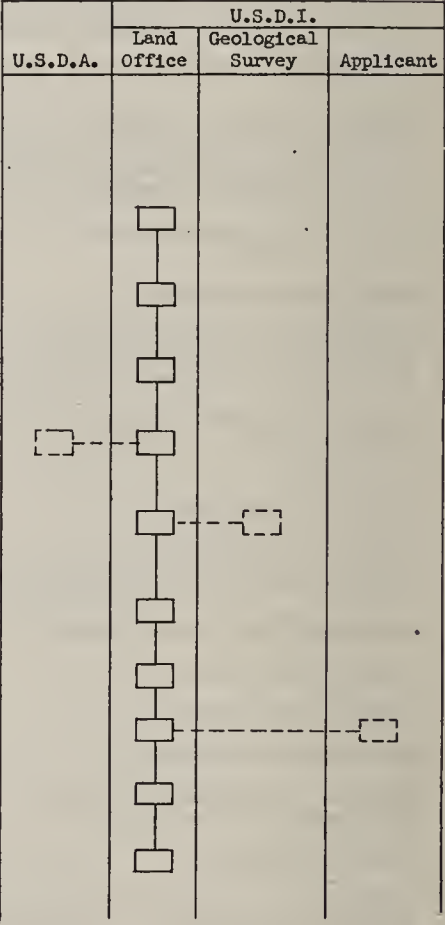
If favorable reports received - notice of offer of mineral deposits published in newspaper for four weeks.

Bids opened and successful bidder declared.

Lease forms sent to successful bidder. Balance of bonus bid, rental, and bond requested.

Deposits on unsuccessful bids returned to bidders.

Upon return of executed lease forms, account for monies paid and if bond acceptable, issue lease.



FLOW CHART

SHOWING PROGRESSION AND ACTION TAKEN BY THE DEPARTMENT OF THE INTERIOR
RELATIVE TO DISPOSITION OF MINERAL MATERIALS UNDER AUTHORITY OF SECTION 402,
OF REORGANIZATION PLAN NO. 3 OF 1946

ADMINISTRATIVE SUPERVISION

Prospecting Permits:

Collect annual rentals, grant extensions,
approve assignments or transfers.

Compliance with stipulations governing use of lands for prospecting operations.

Maintain record of status for life of permit.

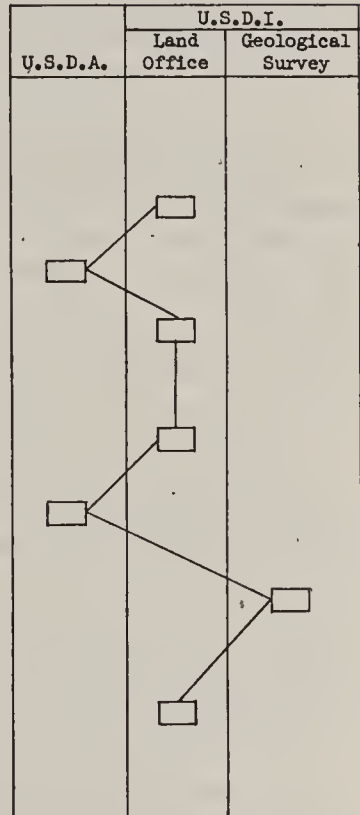
Preference Right and Competitive Leases:

Collect annual rentals prior to production, process renewals, approve assignments and transfers.

Compliance with stipulations governing use of lands for mining operations.

Supervise all mining operations, collect rentals and royalties after production, approve suspension of operations, approve abandonment of operations.

Maintain record of status for life of lease, particularly as affected by suspension or abandonment of operations or production; surrender or relinquishment of part of lease acreage, etc.



UNITED STATES DEPARTMENT OF AGRICULTURE
REPORT ON REORGANIZATION PLAN NO. 1 OF 1959, JUNE 1, 1959

GENERAL STATEMENT ON REORGANIZATION PLAN NO. 1. 1959

Reorganization Plan No. 1 deals with functions of the Department of the Interior in exchanges of national forest lands reserved from the public domain and timber therefrom for other lands within the national forests; in sales of small tracts of acquired national forest land; the sale of tracts specially needed in the processing of timber from the Tongass National Forest; and in the utilization of sand, gravel, stone, pumice and some other common materials from acquired national forest and other lands. These are matters which the Department of the Interior by law is required to do but which relate entirely to lands and programs administered by the Department of Agriculture.

The land exchange act approved March 20, 1922, as amended (16 U.S.C. 485, 486), authorizes the exchange of national forest land or timber for other lands within the exterior boundaries of the national forests of at least equal value when the public interest will be benefited. It places upon the Secretary of the Interior the final determination as to whether the exchange is in the public interest. The Department of the Interior also must review and approve titles, adjudicate protests, and issue patents to the national forest lands being exchanged. The national forest lands or timber involved are under the jurisdiction of the Department of Agriculture and the lands being acquired in exchange will upon acceptance of title be under the jurisdiction of that Department.

Before recommending an exchange to the Department of the Interior under this Act, a determination is made by the Department of Agriculture that such exchange is in the public interest. This is done through detailed appraisals of the lands involved and a review of all local circumstances and pertinent information. Since the Forest Service has personnel in the immediate area where the exchange is being made, the Department of Agriculture usually is called upon to give preliminary review of title matters and to aid in facilitating procedural aspects of the transaction. If a protest against an exchange is filed it is reviewed by the Department of Agriculture in order that full information on it may be placed before the Department of the Interior.

All these activities relate to functions placed upon the Secretary of the Interior by the Act. They are required of the Secretary of Agriculture by the practical necessity of obtaining information on which to base competent decisions and recommendations and of completing these transactions on a local level. The Department of the Interior must perform its functions on the basis of information presented by Agriculture unless it duplicates with its own organization the field appraisals, field consideration and field reviews carried out by the Department of Agriculture.

There is no need for this dual responsibility. Issuance of patents should continue in the Department of the Interior to avoid duplication of records. The Plan so provides.

In addition to the exchange act of March 20, 1922, there are seven other exchange acts less commonly used which require similar duplication of functions.

The Secretary of the Interior has authority under Section 6 of the Act of April 28, 1930, to issue quitclaim deeds to lands conveyed to the United States in exchanges which are not consummated. If the exchange functions above mentioned are placed in the Department of Agriculture, this authority to reconvey lands should also be placed in Agriculture insofar as it affects these transactions. This merely would enable that Department to clear title to such lands back to the grantor where no consideration has passed from the United States.

The Tongass Timber Act of August 8, 1947, authorizes the Secretary of the Interior to appraise and sell lands in the Tongass National Forest in Alaska which are jointly determined by the Secretaries of the Interior and Agriculture to be necessary in connection with the processing of national forest timber. These lands are under the jurisdiction of the Department of Agriculture which has personnel on the ground. That Department, therefore, is in a logical position to determine when private ownership of lands is reasonably necessary for the processing of national forest timber and also to appraise such lands and handle details of sales. The function of issuing patent would remain in Interior.

Section 10 of the Weeks Law of March 1, 1911, provides that the Secretaries of the Interior and Agriculture jointly shall issue regulations for sale of small tracts of land acquired under that law which are found chiefly suitable for agricultural use and not needed for public purposes. These national forest lands lie mostly in the eastern United States and are administered by the Department of Agriculture. This again is not an extensive function but when necessity for action arises under it there is no need for joint consideration and issuance of regulations. The authority for such action should be in the Department of Agriculture alone.

The Secretary of Agriculture now has authority under the Act of July 31, 1947, as amended in 1955, to dispose of certain mineral materials, including common varieties of sand, gravel, stone, pumice, pumicite and cinders, on lands under his jurisdiction reserved from the public domain. For acquired lands, however, such authority is in the Secretary of the Interior. Ordinarily, issuance and supervision of permits for taking these materials does not require technical knowledge of mining engineering or geology and can be adequately handled directly by Forest Service personnel on the ground. Use of these materials is largely local and can best be handled by permits issued at the national forest level. Such uses often involve considerable surface disturbance and it is desirable that provisions of permits or leases governing use of the surface be closely correlated with land use practices on the national forest. All of these functions can be most efficiently carried out by the Department of Agriculture through local national forest administrators. The functions which would be transferred would not include the disposal of minerals such as oil and gas or other valuable minerals which are disposable from the public lands under laws other than the 1947 Act, as amended.

SPECIFIC DATA AND INFORMATION IN RESPONSE TO
MAY 15, 1959 LETTER FROM COMMITTEE ON GOVERNMENT
OPERATIONS, HOUSE OF REPRESENTATIVES

Section 1(a) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with reference to exchanges under the Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485, 486):

- (a) Determination whether offered lands are chiefly valuable for national-forest purposes.
- (b) Where exchange is for national-forest timber, authorization to proponent to cut.
- (c) Determination of values of land or timber involved.
- (d) Where exchange is for national-forest timber, specification of requirements for cutting and the supervision thereof.
- (e) Administration of lands conveyed to United States as part of national forests.
- (f) Where reservations of timber, minerals, or easements are made with respect to lands conveyed to the United States, determination of conditions with respect to the exercise thereof.

(2)(a) (Interior)

(2)(b) Lands are considered chiefly valuable for national-forest purposes when they are primarily suitable for the production of timber; when they have an influence on the regulation of streamflow; when the protection, development and management of them in connection with other national-forest lands will contribute materially to the protection and management of the timber, range, water, and other resources thereof, including the recreation and wildlife resources.

The overall purposes of land exchanges are (a) to promote conservation of forests and watershed lands and resources, (b) to consolidate to the maximum feasible extent the national forests, and so assure the most effective and economical management of these public properties, and (c) help solve problems of management, protection, and use of lands and resources arising from intermingled or checkerboarded ownership patterns in the national forests.

Lands to be acquired when offered in exchange are generally those intermingled with or near national-forest land which will consolidate beneficially the public land ownership pattern. The acquisition of these tracts, among other things:

- (a) Promotes more efficient management and utilization of timber and other resources.
- (b) Meets specific management needs, as key tracts in sustained-yield timber management, established game management units, municipal watersheds, flood control projects, research projects, or other defined management areas.
- (c) Eliminates or reduces forest fire risk, soil erosion or trespass hazards; assures access to public lands or resources; or produces other public benefits.

National-forest lands to be granted in exchange are generally in the following classes:

- (a) Isolated or detached parcels in areas where further consolidation of national-forest lands is not anticipated within five years, provided such lands do not include any special public values or are not needed for specific public purposes.
- (b) Lands adjacent to permanent communities and/or business and industrial establishments, needed and suited for permanent residential, business, or industrial purposes, provided such lands do not include special or outstanding timber-producing or watershed values, preservation of which outweighs the need and use of the lands for the above purposes.
- (c) Lands in areas proposed for elimination from the national forests through boundary changes as determined from studies of economic and physical conditions.

In evaluating property to be acquired or granted by the Government, appraisal is made on the basis of current market values. Timber values are based on the highest net price that can be expected on the available markets.

Where the grantor is authorized to cut national-forest timber in an exchange, the cutting and harvesting requirements are the same as in sales of national-forest timber.

Where reservations of timber, minerals or easements are made in lands conveyed to the United States, conditions are prescribed so that the exercise of the reserved right will not be incompatible with the use of the land for national-forest purposes. Conditions are prescribed

to protect the timber, soil, water, and other resources; minimize damage; and to provide for restoration where necessary.

(2)(c) The criteria which will be used by the Secretary of Agriculture, if the Reorganization Plan becomes effective will be the same as those now being followed.

(3)(a) (Interior)

(3)(b) National-forest lands to be patented in exchanges must be non-mineral in character or, if found to be valuable or potentially valuable for minerals, such minerals are reserved to the United States in the patent. Generally minerals are reserved in those cases where they are reserved by the proponents in the offered land.

If the Reorganization Plan becomes effective, the same criteria will be used by the Secretary of Agriculture.

(4)(a) The procedures and organizational machinery used by the Department of Agriculture are:

- (i) Status first is obtained from Forest Service records. When sufficient work has been done on an exchange proposal to indicate that the exchange should be favorably considered, the regional forester requests the Chief of the Forest Service to make a further check of the status of the offered and selected lands. Forest Service personnel examine the official tract books of the Bureau of Land Management and determine the status for each exchange. The status of both the offered and selected land is noted in detail and reported to the regional forester.
- (ii) During field examination of properties involved in a given exchange, all evidence of occupancy, use, or adverse possession of the private lands is sought and recorded. Similarly, any evidence of mining or other claims to the Government lands is noted.

Subsequently, notice of the exchange proposal, including full description of the lands involved, is published once each week for four consecutive weeks in a local newspaper in the county where the land or timber is situated, and notices are posted in the office of the concerned forest supervisor and land office manager. Any person claiming an interest in the lands is requested to make known his interest or claim.

Evidence of title to the private lands also is furnished by the proponent, usually from a title company or abstractor. This shows any recorded leases, mortgages, easements, trust deeds or other outstanding interests or title encumbrances.

Claims to title or uses inconsistent with national-forest management affecting the private lands offered the Government must be removed or satisfactorily resolved before the exchange is consummated.

National-forest lands covered by mining claims are not exchanged unless or until the claims are released or formally found invalid. National-forest lands subject to other withdrawals or dedications, as reclamation withdrawals, are not exchanged so long as such withdrawals remain in effect.

(iii) A status record in atlas form is kept on each national forest. These records are maintained currently as changes in land status occur. The map shows the following:

1. Legal subdivision, if surveyed.
2. Subdivisions of other recognized public surveys.
3. Tract boundary lines.
4. Method by which each national-forest parcel was acquired.
5. Other withdrawals, reservations, or dedications and outstanding or reserved rights in lands deeded to the United States.

An accompanying tabular record is keyed to the map and shows in more detail the status of each tract. Listed on the tabular record are the following:

1. Description of the land.
2. Action or entry and date thereof.
3. Area involved.
4. Kinds of reservations or outstanding rights.
5. Termination date of rights.
6. Designation of case containing the complete transaction.

- (iv) Mineralized areas are determined either by the Geological Survey, Department of the Interior, or by mineral examiners of the Forest Service. In every case steps are taken to determine the mineral character of the selected land when it is examined and appraised. If there is evident mineralization or mineral activity in the area, a mineral examiner inspects the selected land. His findings are made a part of the appraisal report.
- (v) Minerals are reserved in the selected land if it is found to be presently or potentially mineral in character and, generally, if the proponent reserves minerals in the offered land. At the time the selected land is examined and appraised the examiner includes in his report a statement of all circumstances that would necessitate a reservation of any easements or other property.
- (vi) Disposal of reserved minerals is by the Secretary of the Interior under the various laws governing mineral disposal on public lands. Procedure for disposal of other reserved property or easements depends upon the kind of property or easement involved and the applicable disposal authorities.

(4)(b) Procedures and organizational machinery which will be used by the Department of Agriculture if the Reorganization Plan becomes effective will be substantially the same except that final determinations and acceptance of title will be made in Agriculture. Patents will continue to be issued by the Department of the Interior, which thereby will have adequate information to maintain its public land records.

(5) (Interior)

(6) The tabulation attached as Exhibit 1 lists the 64 exchanges now pending and provides information on proponents, acreages, values, and general location.

(7) Detailed flow charts showing the actions now taken in processing these exchanges and those that will be taken under this Plan are attached as Exhibits 2 and 3.

Section 1(b) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to exchanges under the Act of February 2, 1922 (42 Stat. 362):

- (a) Determination whether offered lands are chiefly valuable for national-forest purposes.
- (b) Where exchange is for national-forest timber, authorization to proponent to cut.
- (c) Determination of values of land or timber involved.
- (d) Where exchange is for national-forest timber, specification of requirements for cutting and the supervision thereof.
- (e) Administration of lands conveyed to United States as part of Deschutes National Forest

(2)(a), (3)(a) (Interior)

(2)(b), (2)(c), (3)(b), (4)(a), (4)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(5) (Interior)

(6) None

(7) The flow charts applicable to Section 1(a) also are applicable to transactions under this Act.

Section 1(c) of the Plan

(1) The Secretary of Agriculture currently performs the following functions as to exchanges under the Act of June 7, 1924 (43 Stat. 643), except Section 2:

- (a) Determination whether proposed exchange is in the public interest.
- (b) Determination whether offered lands are chiefly valuable for national-forest purposes.
- (c) Authorization to proponent to cut national-forest timber.

- (d) Determination of values of land and timber involved.
- (e) Specification of requirements for cutting of national-forest timber and the supervision thereof.
- (f) Administration of lands conveyed to United States as part of Carson National Forest.

(2)(a) (Interior)

(2)(b), (2)(c), (3)(a), (3)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(4) (Interior)

(5) None

(6) The flow charts applicable to Section 1(a) also are applicable to transactions under this Act.

Section 1(d) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to exchanges under the Act of January 12, 1925 (43 Stat. 739), except Section 2:

- (a) Determination whether proposed exchange is in the public interest.
- (b) Determination whether offered lands are chiefly valuable for national-forest purposes.
- (c) Authorization to proponent to cut national-forest timber.
- (d) Determination of values of land and timber involved.
- (e) Specification of requirements for cutting of national-forest timber and the supervision thereof.
- (f) Administration of lands conveyed to United States as part of Carson National Forest.

(2)(a) (Interior)

(2)(b), (2)(c), (3)(a), (3)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(4) (Interior)

(5) None

(6) The flow charts applicable to Section 1(a) also are applicable to transactions under this Act.

Section 1(e) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to exchanges under the Act of April 21, 1926 (44 Stat. 303), except Section 2:

- (a) Determination whether proposed exchange is in the public interest.
- (b) Determination whether offered lands are chiefly valuable for national-forest purposes.
- (c) Where exchange is for national-forest timber, authorization to proponent to cut.
- (d) Determination of the values of land or timber involved.
- (e) Where the exchange is for national-forest timber, specification of requirements for cutting and the supervision thereof.
- (f) Where exchange is for national-forest timber in Arizona obtain consent and approval of the Governor of the zona.
- (g) Administration of lands conveyed to United States as part of the Carson National Forest or the Santa Fe National Forest, as determined by him.

(2)(a), (3)(a) (Interior)

(2)(b), (2)(c), (3)(b), (4)(a), (4)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(5) (Interior)

(6) None

(7) The flow charts applicable to Section 1(a) also are applicable to transactions under this Act.

Section 1(f) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to exchanges under Section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38):

- (a) Where exchange is for national-forest timber, authorization to proponent to cut.
- (b) Join with the Secretary of the Interior in determination of values of land or timber involved.
- (c) Where exchange is for national-forest timber, specification of requirements for cutting and the supervision thereof.
- (d) Where reservations of timber, minerals or easements are made with respect to lands conveyed to the United States which are to be administered by the Secretary of Agriculture, determination of conditions with respect to the exercise thereof.
- (e) Administration as part of the national forests of lands within national forest boundaries conveyed to the United States.

(2)(a) (Interior)

(2)(b), (2)(c), (3)(a), (3)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(4) (Interior)

(5) None

(6) The flow charts applicable to Section 1(a) also are applicable to exchange transactions under this Act.

Section 1(g) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to exchanges under the Act of June 15, 1926 (44 Stat. 746):

- (a) Determination whether exchanges under Section 1 of the 1926 Act are in the public interest.
- (b) Determination whether lands offered in exchange under Section 1 of the 1926 Act are chiefly valuable for national-forest purposes.

- (c) Determination of values of lands involved in exchanges under Section 1 of the 1926 Act.
- (d) Determination whether base lands tendered for surrender under Section 2 of the 1926 Act are chiefly valuable for forest purposes.
- (e) Determination of values of lands involved.
- (f) Establishment of regulations and procedures.
- (g) Administration of lands conveyed to the United States as part of national forests.

(2)(a), (3)(a) (Interior)

(2)(b), (2)(c), (3)(b), (4)(a), (4)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(5) (Interior)

(6) None

(7) The flow charts applicable to Section 1(a) also are applicable to exchanges of national-forest lands under this act.

Section 1(h) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to exchanges under the Act of December 7, 1942 (56 Stat. 1042) affected by Section 1(h) of the Plan. (Note: This does not include functions performed with respect to exchanges under the Act which are not affected by the Plan):

- (a) Join with the Secretary of the Interior in determination whether the exchange would be in the public interest. (Note: The language of the Act is not specific with respect to determinations as to reservations which would be acceptable in the offered lands or as to determinations of the values of lands involved, but the provision with respect to the determination of public interest indicate that those determinations are to be made jointly by the Secretary of the Interior and the Secretary of Agriculture.)
- (b) Administration of lands conveyed to United States contiguous to or within the exterior boundaries of a national forest or a land utilization project as a part thereof.

(2)(a), (3)(a) (Interior)

(2)(b), (2)(c), (3)(b), (4)(a), (4)(b) The criteria, procedures and organizational machinery for exchanges under this Act are, and will be, the same with respect to comparable items as those set forth under Section 1(a) of the Plan.

(5) (Interior)

(6) None

(7) The flow charts applicable to Section 1(a) also are applicable to exchanges of lands under the jurisdiction of the Secretary of Agriculture under this Act.

Section 1(i) of the Plan

(1)(a) (Interior)

(1)(b) This authority applies to ~~situations~~ where lands have been conveyed to the United States in land exchanges, the conveyances have been placed of public record, and title to the lands subsequently is found unacceptable to the United States. Where an exchange is not completed, in whole or in part, an appropriate quitclaim deed to the land involved will be prepared under the direction of the General Counsel, signed by the Secretary of Agriculture or his delegatee, and transmitted to the party or parties entitled to it.

C

(2), (3)(i) (Interior)

(3)(ii) The requested flow chart is attached as Exhibit 4.

Section 1(j) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with respect to appraisals and sales of lands under Section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921):

- (a) Join with the Secretary of the Interior in determination of lands reasonably necessary in connection with with or for the processing of the timber from the Tongass National Forest.
- (b) Join with the Secretary of the Interior in determination of terms and conditions upon which lands will be sold.

(2)(a) (Interior)

(2)(b) There have been only two transactions initiated under this Act to date and therefore formal criteria have not been issued. The following factors have been and will be considered in applications for purchase of lands: the suitability of the land for the proposed operation, conflicting public needs, if any, the size and permanency of the proposed operation, the amount of investment in facilities to be placed on the land, and demonstrated need of applicant for fee title in connection with financing and other factors.

(2)(c) The same criteria and such additional bases as appear necessary, will be used if the Plan becomes effective. In the appraisal of the lands, the criteria will be the market value of the lands and resources under the terms and conditions of the sale.

(3)(a) (Interior)

(3)(b) If the land is found non-mineral by mineral examiners no reservation would be made. If the land has indicated mineral values, any minerals that could reasonably be removed without undue interference with surface use, as possibly oil and gas, would be reserved. As to minerals removal of which would require surface disturbance, the contemplated permanent industrial use and substantial investment in facilities would be taken into account. If mineral extraction is shown to be incompatible with the surface use, the minerals would not be reserved but the value would be included in the appraisal.

(4)(a) Procedures and organizational machinery are as follows:

(i) Status records of the Forest Service and the public land records of the Bureau of Land Management are examined.

(ii) Physical examination of the land involved and check of known claims by local Forest Service officials who administer the lands.

(iii) Status records are maintained as shown under (4)(a)(iii) relating to Section 1(a) of the Plan. Sales applications are posted and patents are shown when issued.

(iv) (Interior)

(v) (Interior)

(vi) (Interior)

(4)(b)(i), (ii), (iii) Procedures will be the same as under (4)(a) above.

(iv) Reports by mineral examiners of Forest Service and/or the Geological Survey.

(v) Field examination by forest rangers or other personnel expert in land and timber appraisals, determination of market values for similar lands, appraisal of lands on market value basis. If special values, as minerals, are involved the assistance of personnel expert in such matters will be obtained from other Government agencies or consulting experts.

(vi) As to reservation of minerals, procedures will be the same as noted in (3)(b) above. Reservation of easements will be based on need for access over the property for national-forest purposes.

(vii) Any reserved minerals will be disposed of by the Department of the Interior under applicable laws.

(5)(a), (5)(b), (5)(c), (5)(d) (Interior)

(6) One application is pending - by the Alaska Lumber * Pulp Company for approximately 148 acres near Sitka in the Tongass National Forest. A joint determination that the tract is reasonably necessary for processing of pulp timber from the Tongass National Forest has been made. The tract has not been appraised pending determination of final boundaries and other details.

(7)(i) (Interior)

(7)(ii) Because of the small number of transactions and the fact that these involved heavy investments and urgent time factors, routine procedures have not been developed to flow chart stage. Criteria and procedures outlined above will be used in future cases, as applicable. Applications will be handled by the Forest Service organization on the ground.

Section 1(k) of the Plan

(1) The Secretary of Agriculture currently performs the following functions with reference to sales of small tracts under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519):

- (a) Determination of such small areas as may be occupied for agriculture without injury to the forest or to streamflow and which are not needed for public purposes.
- (b) List and describe such lands and offer them for sale as homesteads.
- (c) Determination of the true value of such lands.
- (d) Join with the Secretary of the Interior in the issuance of rules and regulations for the sale of such lands.

(2)(a) (Interior)

(2)(b), (2)(c) The criteria now used by the Department of Agriculture are set out in 36 CFR 281.1 to 281.13, inclusive, attached as Exhibit 5 hereof. These will be the same when the Plan becomes effective.

(3)(a) (Interior)

(3)(b) Criteria in regard to reservations are set out in 36 CFR 281.10 (attached Exhibit 5). In regard to mineral reservations, if the lands are shown to contain valuable minerals, the interest of the United States in such minerals would be reserved.

(4)(a), (4)(b) This Act and procedure apply only to acquired national-forest land subject to Section 10 of the Act of March 1, 1911.

- (i) Land status is checked and cleared against Forest Service status books, the title records and title opinion upon which acquisition was based, and the records of the Forest Service in regard to subsequent permits or other uses.
- (ii) As in (i). Additionally, sales are publicized locally.
- (iii) Detailed status books and case files are maintained.
- (iv) When there is question if valuable minerals are present, reports by Forest Service mineral examiners or by the Geological Survey are obtained.

- (v) The property is appraised on the basis of present market value. If necessary, expert assistance in evaluating the land from the agricultural standpoint is obtained--usually from other Department of Agriculture agencies.
- (vi) Minerals are reserved in accordance with (3) (b) above. Easements or other rights are reserved if roads needed for national-forest purposes are in place or planned over the property, or if there is apparent need for other rights of public use.
- (vii) Reserved minerals are disposed of by the Secretary of the Interior under applicable laws and procedures.
- (5) None.
- (6) None.
- (7) The effect of this Plan on procedure under this Act is only to relieve the Secretary of the Interior of the function of joining in promulgation of regulations. The procedures set forth in current regulations will be continued in effect. Time has not permitted the formulation of a flow chart of these procedures but we believe these regulations, copy of which is attached hereto as Exhibit 5, set out the important steps. Sale procedure is carried out by the field organization of the Forest Service, except that deeds are executed by the Chief, or Acting Chief, Forest Service.

Section 1(1) of the Plan

(1) The Secretary of Agriculture currently performs the following functions as to disposals of mineral materials in Weeks Law and other lands covered by the Plan:

- (a) Determination whether development will interfere with primary purpose of use of land.
- (b) Specification of conditions to protect the surface and surface resources.

(2)(a) (Interior)

(2)(b) The Secretary of Agriculture determines under multiple-use planning policies and procedures whether the utilization of mineral materials could be integrated with other land uses or should be considered as the dominant land use or would be detrimental to the public interest.

Consent to lease is granted when disposal is consistent with good public land management and public interest. Benefits and damages are weighed to determine whether disposal is in the public interest. Consent is conditional upon reasonable erosion control, rehabilitation of the surface, and revegetation. Consent will not be given if adequate measures cannot be accomplished to prevent erosion or stream pollution or satisfactory arrangements made for rehabilitation and restoration. The value of the materials must be sufficient to enable the operator to protect public land against unnecessary damage. Exploitation will be directed to those deposits where damage can be most readily controlled or minimized.

(2)(c) The same criteria will be used to determine whether the mineral materials should be disposed of. In general, disposal will follow the guidelines provided in 36 CFR 251.4 for the disposal of those mineral materials which the Secretary of Agriculture is authorized to dispose of from lands under his jurisdiction reserved from the public domain. A copy of the regulation is attached as Exhibit 6.

(3)(a) Applications to lease are filed with the local land office and referred to the Forest Service for consent, stipulations, and report. They are noted in the office of the regional forester and forwarded to the forest supervisor for recordation, mineral ownership status, impact analysis, stipulations, and consent recommendation.

The forest supervisor maintains a record of all applications for which consent to lease is requested and of leases actually issued. The record is usually of the atlas type, but may be in other forms. These are used to prevent duplication in furnishing title data to Interior and to avoid conflicts in land use management.

Abstracts of title and other title papers are examined in the office of the forest supervisor and the mineral title data furnished the Bureau of Land Management as a part of the report for all acquired national-forest lands and certain Bankhead-Jones lands.

A land use impact analysis is made by a staff assistant to the forest supervisor or the local forest ranger and the possible benefits and damages weighed. Consent to lease is determined and conditions established on the basis of such analysis.

(3)(b) An impact analysis would continue to be made and conditions of disposal determined. Title papers would continue to be searched but mineral status data would not need to be excerpted for use by the Bureau of Land Management, nor reports prepared for transmission to that agency. In most cases, the entire action from receipt of application to issuance of permit or lease would be handled at the forest supervisor level. Clerical work involved in typing reports and a part of the record and status work would be eliminated since all data would be readily available. The function would continue to be conducted within the organizational structure now handling land use and mineral activities. The

Forest Service would perform the additional function of lease or permit preparation and issuance. Disposal procedures would generally conform to those set up for mineral materials under the Act of July 23, 1955 (see (2)(c) above).

(4) (Interior)

(5) The Plan would not affect:

- (a) Oil, gas (including helium), coal, oil shale, phosphate, sodium, potassium, or sulfur. These are generally referred to as "leasable" or "leasing act" minerals. Their disposal would still be by the Secretary of the Interior under the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351-359), and as to some of the lands the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181-287).
- (b) Metalliferous minerals, including iron, uranium ores, gold, lead and zinc; copper, tin, silver, manganese, bauxite, molybdenum; precious stones; and any mineral materials in acquired lands which if occurring in the public lands would be subject to location and entry under the general mining laws.

The Plan would affect the disposal of mineral materials such as "common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay, and other mineral material which if occurring on public lands would not be locatable under the general mining laws or disposable under any other law.

(6) (Interior)

(7) Flow charts are attached on Exhibits 7 and 8.

(8) The Plan would not generally affect mineral materials in public lands reserved or withdrawn for functions of the Secretary of Agriculture. The authority to dispose of mineral materials in such lands is in the Secretary of Agriculture under the Act of July 31, 1947, as amended by the Act of July 23, 1955, with certain exceptions.

The Plan would affect withdrawn or reserved lands in the national forests in Minnesota, approximating 1,140,325 acres. These lands were excluded from the operation of the general mining laws by the Act of February 18, 1873 (30 U.S.C. 48). Special authorization to lease minerals not subject to the Mineral Leasing Act was granted the Secretary of the Interior by the Act of June 30, 1950 (16 U.S.C. 508b). By law and regulation of the Secretary of the Interior, disposal is similar to that prescribed for such minerals in acquired lands. Since these are reserved public lands the authority to dispose of mineral materials would have vested in the Secretary of Agriculture under Section 1 of the Act of July 23, 1955, except for the special Act covering all minerals exclusive of the "leasable" minerals.

The Plan would affect mineral materials in 26,464 acres of acquired land added to the Santa Fe National Forest and those lands in the North Lobato Tract added to the Carson National Forest, New Mexico, and given Weeks Law status under the Act of June 28, 1952. The proportion of these lands patented with a mineral reservation to the United States and the exact nature of the reservation could not be determined without a detailed check of the public land records and the abstracts of title whereby the United States reacquired title. However, to simplify administration and disposal an "acquired" lands status has been given to all minerals owned by the United States in these two tracts. Mineral materials to the extent covered by reservation in patent are therefore subject to disposal by the Secretary of the Interior under the regulations governing disposal in Weeks Law and other acquired lands.

In addition, the Forest Service has reacquired title to other lands patented under Acts of Congress requiring a reservation of all or certain minerals to the United States. In such cases, the minerals retain their public land status. The Act of July 23, 1955, however, has been interpreted as not giving the Secretary of Agriculture authority to dispose of mineral materials in such lands, because of the "acquired" lands status of the surface. The Plan would include the transfer of authority to dispose of mineral materials in such lands and would thereby place under the administration of the Secretary actually administering the surface the authority for disposal of mineral materials.

The extent of such occurrences is not known, and could not be determined without a check of public land and purchase records, but is estimated to be relatively small compared to the total acreage of reacquired or public land administered by the Secretary of Agriculture.

The Number of Jobs to be Added in Agriculture

Under the current procedures, the practical necessity has been that Forest Service personnel have dealt with substantially all of the activities affected by the Plan which it will handle if the Plan becomes effective. Therefore, it is not anticipated that there will be any increase in jobs required in the Forest Service. At this time it is not anticipated that additional staffing will be requested to handle this work elsewhere in the Department.

EXHIBIT 1

Pending Exchange Applications

ACT OF MARCH 20, 1922

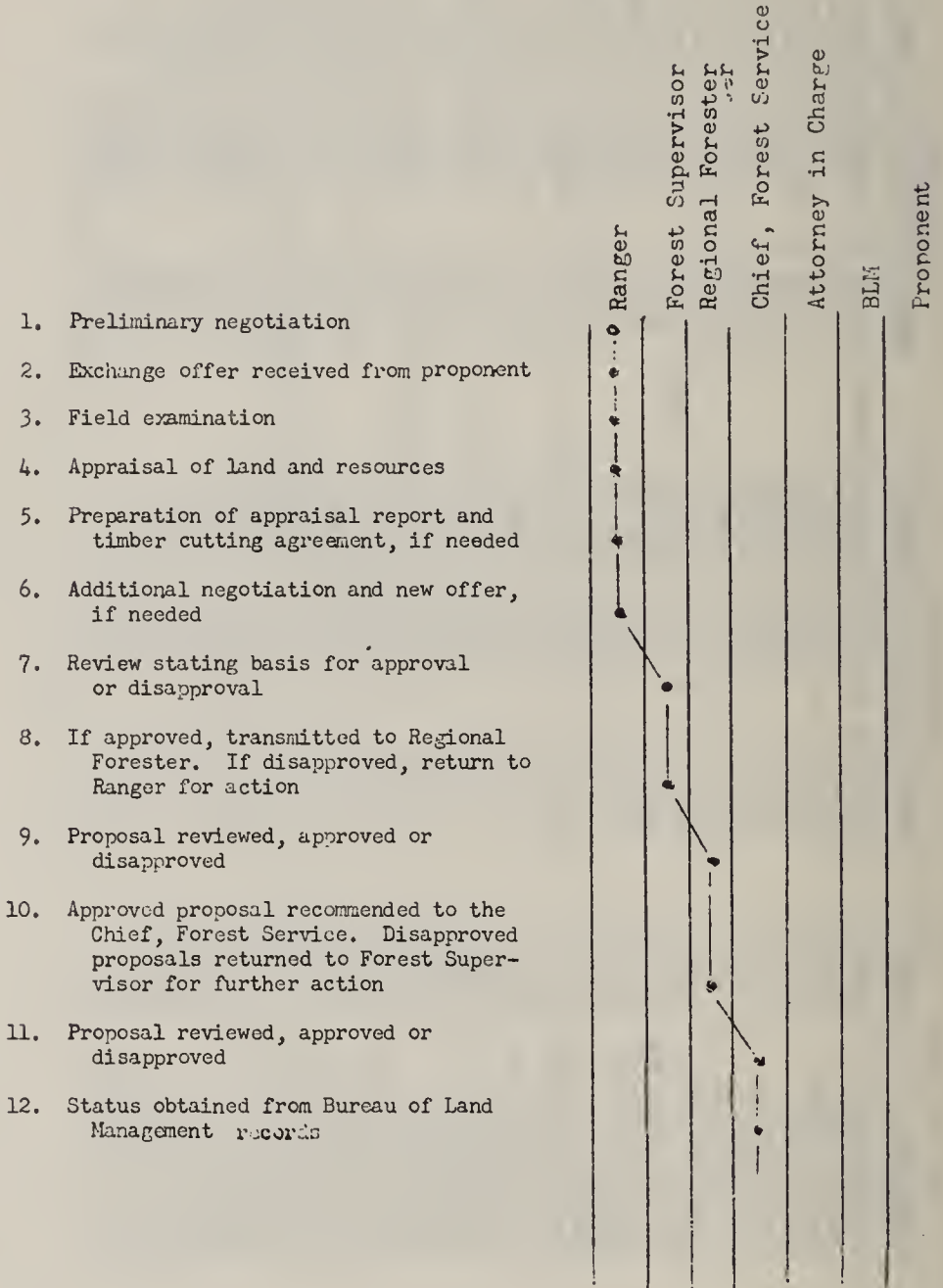
Applicant	State	Offered Land			Selected Land		
		Acres	Value	County	Acres	Value	County
Story, Velma E.	Montana	27.49	\$	Gallatin	37.89	\$ 1,894.50	Gallatin
Tripp, Leland	Montana	440.00	5,280.00	Lincoln	160.00	5,125.00	Lincoln
Anderson, John	Colorado	959.51	11,293.43	Boulder	3,336.74	9,491.73	Larimer
Gould, Albert J.	Colorado	120.00	4,725.00	Park	120.00	4,712.40	Park
Hurt, Wallace E.	Colorado	160.00	670.40	Rio Grande	160.00	670.40	Rio Grande
Jutten, John B.	Colorado	80.00	1,712.00	Montrose	80.00	1,712.00	Montrose
Paxton, Tad	Colorado	380.00	6,334.60	Ouray	190.00	4,750.00	Ouray
Scott, Ben F.	Colorado	20.81	10,746.28	Larimer	12.92	7,136.23	Larimer
Scott, Marie	Colorado	559.77	16,329.96	S. Miguel & Dolores	562.41	13,160.39	San Miguel
Chavez, Ambrosio	Arizona	160.00	7,400.00	Navaajo	10.00	7,367.20	Yavapai
Duke City Lbr. Co.	New Mex.	206.35	2,066.59	Rio Arriba, etc.	164.11	1,518.02	Santa Fe
Norton, Dan	Arizona	7,325.98	185,791.00	Coconino & Navaajo	1,748.24	149,886.66	Gila
Welty, Robert H.	New Mex.	800.83	3,043.15	Socorro	986.82	2,960.46	Socorro
Wise, Mrs. Winifred	Arizona	146.52	2,500.00	Navaajo	10.00	2,200.00	Yavapai
Zack, Dr. M.M.	Arizona	378.32	33,066.47	Coconino	40.00	32,759.00	Coconino
Central Farmers	Idaho	640.00	14,290.00	Caribou	421.51	11,785.38	Bear Lake
Colton, LaVern	Idaho	160.00	1,600.00	Oneida	130.00	1,300.00	Oneida
Davis, Lynn #1	Idaho	240.00	2,400.00	Bannock & Oneida	240.00	2,400.00	Franklin
Davis, Lynn #2	Idaho	90.00	1,280.00	Oneida & Franklin	160.00	1,280.00	Franklin
Evans, William	Idaho	60.00	720.00	Oneida	60.00	720.00	Bannock
Kay, J. Vern	Idaho	420.00	3,440.00	Oneida & Bannock	415.12	3,352.96	Bannock
Pierce & Wagstaff	Utah	644.00	6,440.00	Summit	580.14	5,801.40	Summit
Smith, Bill	Idaho	320.00	3,200.00	Elmore	320.00	3,200.00	Elmore
Ward, Hyrum	Idaho	400.04	3,200.00	Oneida	400.00	3,200.00	Franklin
Young, Malcolm	Idaho	284.22	2,273.76	Oneida	283.93	2,271.44	Oneida
Barragy, John	Calif.	34.44	1,500.00	Trinity	8.01	1,295.00	Trinity
Brubaker, Iona	Calif.	160.00	4,000.00	Santa Barbara	75.75	3,600.00	Santa Barbara
Delos Mills	Calif.	70.13	3,075.00	Siakiyou	148.62	2,972.40	Siakiyou
Dunn, Dr. Robert	Calif.	200.00	5,200.00	Tuolumne	40.00	4,800.00	Tuolumne
Fibre Beard Paper	Calif.	1,674.97	338,237.22	Placer	1,645.39	333,730.45	Placer

Applicant	State	Acres	Offered Land Value	County	Acres	Salested Land Value	County
Forward Bros.	Calif.	921.80	\$ 114,317.52	Trinity & Tehama	800.00	\$ 103,479.00	Trinity
Johnson, Eric	Calif.	150.21	337.44	Siakiyon	80.00	300.00	Siakiyon
Kasplian, George	Calif.	106.52	166,500.00	Flacer	120.00	140,000.00	Flacer
Lewers, Ralph	Calif.	150.00	11,646.00	Siakiyon	500.00	10,400.00	Siakiyon
Lutz, Ralph	Calif.	160.00	2,742.95	Siakiyon	206.29	2,311.94	Siakiyon
Meeks & Jones	Calif.	50.00	1,800.00	Siakiyon	46.25	1,700.00	Siakiyon
Mt. Whitney Lbr. Co.	Calif.	1,880.00	1,327,658.00	Tulare	3,277.23	1,313,824.00	Tulare
Redwood Con. Co.	Calif.	320.00	25,912.83	Humboldt	280.02	23,322.19	Humboldt
Redwood, A. B.	Calif.	800.00	11,950.00	Marberry & Umpico	810.85	9,730.00	Santa Barbara
Scott Bar Community	Calif.	319.20	2,453.00	Siakiyon	78.19	2,144.00	Siakiyon
Scott & Longbridge	Calif.	360.00	345,250.00	Kidorede	80.00	336,824.74	Kidorede
Staplot, J. R.	Calif.	80.00	15,143.83	Sierra	70.00	12,260.81	Sierra
Spencer, C. V.	Calif.	65.00	27,500.00	San Diego	435.21	24,008.40	San Diego
State of California	Calif.	16,734.96	551,333.00	In 21 counties	4,059.00	349,258.83	Tulare
Trumbo & Weber	Calif.	853.56	1,200.00	Modoc	560.00	1,187.32	Modoc
U. S. Plywood Corp.	Calif.	960.00	31,287.14	Trinity	240.00	25,985.61	Trinity
Webb, Arthur M.	Calif.	80.00	82,884.00	Monro	20.00	80,000.00	Monro
Willeford, Ora	Calif.	24.15	5,551.07	Santa Barbara	20.74	5,106.15	Santa Barbara
Albertson, Henry	Oregon	132.76	1,530.88	Chelan	120.00	356.93	Chelan
Bolton, Kenneth	Oregon	323.04	5,784.00	Lincoln & Benton	640.00	2,340.00	Lincoln
Clemens, Rex	Oregon	350.00	390,831.00	Lincoln & Benton	460.00	388,545.00	Lincoln
Copville Valley Lbr.	Oregon	140.00	2,800.00	Lane	3.15	2,800.00	Lane
Felton, Sherman	Oregon	960.00	13,099.00	Jackson	40.00	12,407.00	Jackson
Georgia-Pacific Co.	Oregon	441.99	288,576.00	Lincoln	280.00	285,333.00	Lincoln
Lauphear, Harry	Oregon	4.00	384.00	Klamath	40.00	80.00	Klamath
Northern Pacific RR	Washington	32,183.91	1,154,344.00	King, Kittitas, etc	325.57	1,150,666.00	Kittitas
Publicabars Paper Co.	Oregon	1,838.45	123,801.86	Malheur	1,600.00	123,472.00	Clackamas
Taylor, Ed	Oregon	1,972.01	70,060.00	Jackson	160.00	65,105.00	Jackson
Wood Lbr. Co.	Oregon	1,121.64	567,475.00	Douglas	640.00	564,866.00	Douglas
Johnson, Luther	Florida	31.00	1,977.63	Lake	40.76	407.50	Lake
Moses, G. M.	Florida	5.05	2,500.00	Marion	55.98	2,240.00	Marion
Goodwin, Otis	Michigan	200.00	3,167.25	Ogemaw	40.42	2,400.00	Ipswich
State of Minnesota	Minn.	320.00	2,186.50	Lake	159.50	2,057.04	Lake & St. Louis
State of Minnesota	Minn.	80.00	610.71	Cook	83.62	604.50	Lake
Total		81,338.23	86,040,627.07		34,944.45	83,892,812.56	

EXHIBIT 2

FLOW CHART

SHOWING STEPS TAKEN UNDER CURRENT PROCEDURES IN PROCESSING A
LAND EXCHANGE UNDER THE ACT OF MARCH 20, 1922



13. Regional Forester and Forest Supervisor notified of approval and given status

14. County officials notified

15. Letter prepared transmitting offer to BLM. See Note No. 1

See Steps 1 to 12 of BLM chart

16. Arrange for necessary surveys if requested by BLM. Return field notes to BLM for approval and platting

17. If approved by BLM, advertising prepared

18. Proponent notified of approval and requested to insert advertising in specific paper or papers, and furnish evidence of ownership of offered land. Copy of ad sent to Land Office.

Step 13 on BLM chart

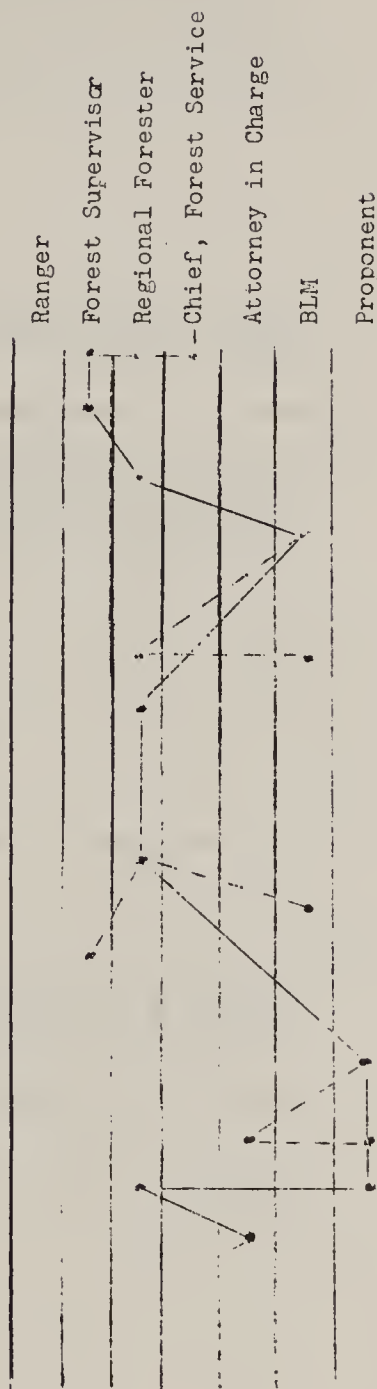
19. Post advertising in Supervisor's Office and Post Office

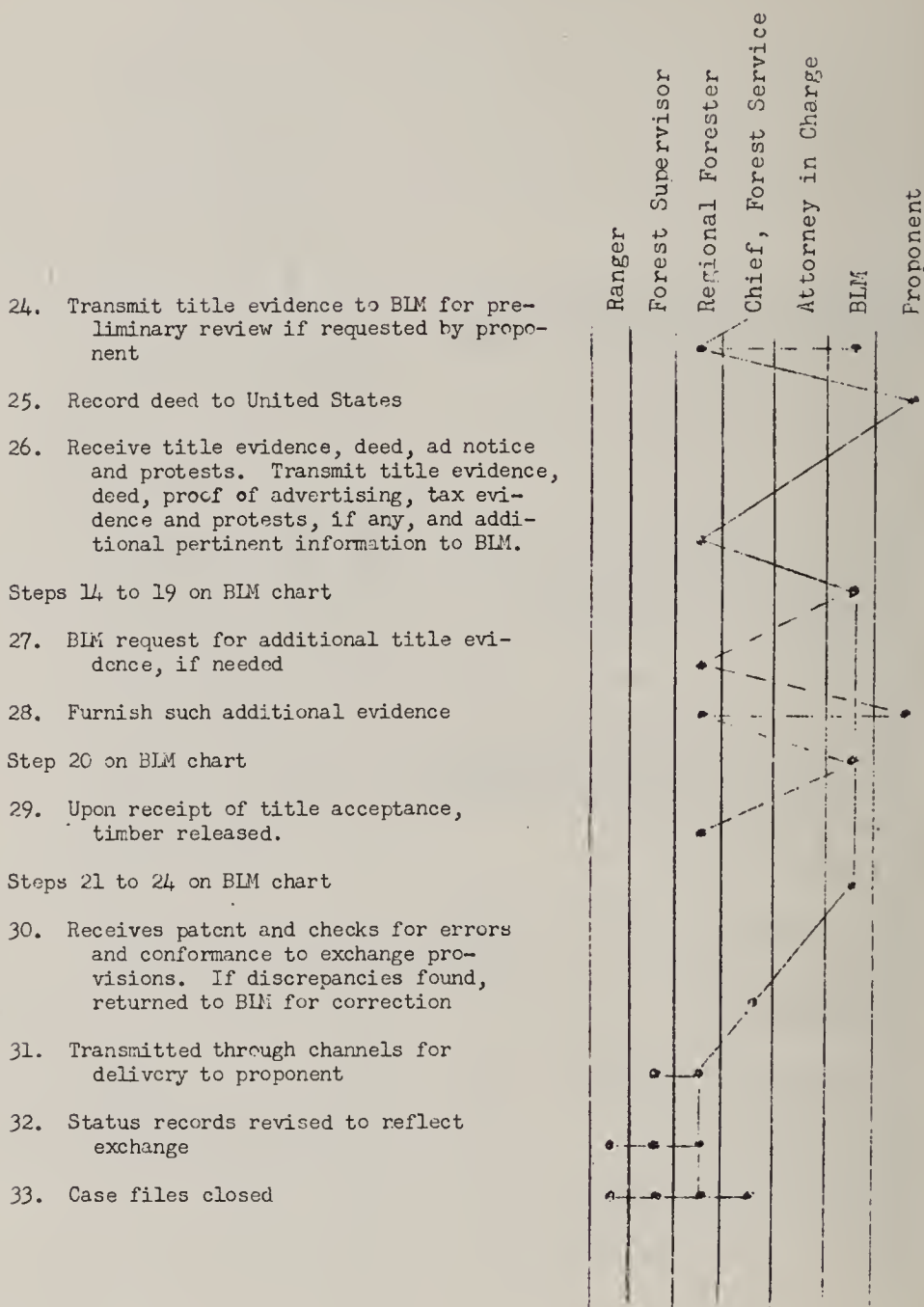
20. Advertise as directed in Step 18 and furnish proof

21. Assist proponent in preparation of deed of conveyance, if requested

22. Furnish title evidence

23. Preliminary review of title





Note 1 - Must contain certification of responsible Forest Service Officer that: (1) the offered lands are chiefly valuable for national forest purposes; (2) the value of selected land or timber does not exceed the value of the offered land; (3) County officials have been notified of the ~~proposal~~ in cases where selected land exceeds \$5,000 in value and such officials have interposed no objection; (4) the selected lands are free of conflicts and are not occupied; (5) the regulations have been complied with; (6) the public interest will be benefitted by the exchange.

EXHIBIT 3

FLOW CHART

SHOWING STEPS TAKEN UNDER PROPOSED PROCEDURES IN PROCESSING
A LAND EXCHANGE UNDER THE ACT OF MARCH 20, 1922

	Ranger	Forest Supervisor	Regional Forester	Chief, Forest Service	Attorney in Charge	Gen. Counsel's Office	BLM	Proponent
1. Preliminary negotiation	x							
2. Exchange offer received from proponent	x							
3. Field examination	x							
4. Appraisal of land and resources	x							
5. Preparation of appraisal report and timber cutting agreement, if needed	x							
6. Additional negotiation and new offer, if needed	x							
7. Review stating basis for approval or disapproval		x						
8. If approved, transmitted to Regional Forester. If disapproved return to Ranger for action		x						
9. Proposal reviewed, approved or disapproved			x					
10. Approved proposal recommended to the Chief, Forest Service. Disapproved proposals returned to Forest Supervisor for further action				x				
11. Proposal reviewed, approved or disapproved				x				

	Ranger	Forest Supervisor	Regional Forester	Chief, Forest Service	Attorney in Charge	Gen. Counsel's Office	BLM	Proponent
12. Status obtained from Bureau of Land Management records				x				
13. Regional Forester and Forest Supervisor notified of approval and given status		x	x	x				
14. County officials notified		x						
15. BLM Land Office notified of exchange proposal			x					
16. Arrange for surveys, if any, required for patent			x					
17. Prepare advertising notice			x					
18. Proponent notified of approval and requested to insert advertising in a specific paper or papers, and furnish evidence of ownership of offered land			x					
19. Post advertising in Forest Supervisor's office and local post offices		x						
20. Advertise as directed in Step 18 and furnish proof								x
21. Furnish title evidence			x					x
22. Assist proponent in preparation of deed of conveyance, if requested, and preliminary review of title evidence			x		x			
23. Record deed of conveyance to United States and furnish up-to-date title evidence								x

	Ranger	Forest Supervisor	Regional Forester	Chief, Forest Service	Attorney in Charge	Gen. Counsel's Office	BLM	Proponent
24. Transmit title evidence and deed to Attorney in Charge			x					
25. Title reviewed and transmitted to General Counsel's Office					x			
26. Title approved and evidence and deed transmitted to Chief						x		
27. Regional Forester notified of approval of title and sent title evidence. Timber released for cutting			x	x				
28. BLM advised of title acceptance and furnished data on which to issue patent				x				
29. Patent issued and transmitted to Chief, Forest Service							x	
30. Patent checked for discrepancies with the offer. Sent through channels for delivery to proponent			x	x	x			
31. Status records revised to reflect exchange	x	x	x					
32. Deeds filed in Archives				x				

EXHIBIT 4

FLOW CHART

SHOWING STEPS THAT WOULD BE TAKEN IN PROCESSING
A QUITCLAIM DEED UNDER ACT OF APRIL 28, 1930

	Forest Supervisor	Regional Forester	Chief, Forest Service	General Counsel
Title to offered land disapproved				x
Quit claim deed prepared				x
Quit claim deed delivered	x	x	x	

EXHIBIT 5

Section 1 (K)
Subsection(1)CODE OF FEDERAL REGULATIONS
TITLE 36 - PARKS, FORESTS, AND MEMORIALS
CHAPTER II - FOREST SERVICE, DEPARTMENT OF AGRICULTUREPART 281 - LAND DISPOSAL; SALE OF LANDS PURSUANT TO
SECTION 10 OF THE ACT APPROVED MARCH 1, 1911

Pursuant to authority vested in us by section 10 of the act of March 1, 1911, 36 Stat. 961 16 U.S.C. 519 there are hereby prescribed the following regulations to govern the sale of small areas of national forest lands chiefly valuable for agriculture which have been acquired by the United States under said act, as amended, or which are subject to laws and regulations applicable to national forest lands acquired under said act as amended:

- Sec.
281.1 Land subject to disposal.
281.2 Responsibility for examination, appraisal and sale.
281.3 Applicants.
281.4 Applications.
281.5 Examination and appraisal.
281.6 Sale without application.
281.7 Values.
281.8 Sale procedure.
281.9 Conveyances.
281.10 Reservations, exceptions, conditions and outstanding rights.
281.11 Payment for land.
281.12 Appeals.
281.13 Delegation of authority.

AUTHORITY: §§ 281.1 to 281.13 issued under Sec. 10, 36 Stat. 962; 16 U.S.C. 519.

§ 281.1 Land subject to disposal. Only lands acquired by the United States pursuant to the aforesaid act of March 1, 1911, as amended, or lands which are by statute subject to laws and regulations applicable to lands acquired under said law are subject to disposal under the regulations prescribed in §§ 281.1 to 281.13. Tracts or parcels of land to be sold under said sections must meet the following conditions: (a) Contain 80 acres or less in area; (b) be chiefly valuable for agricultural purposes; (c) be accessible to community facilities and so located that use and development for agriculture will not unduly increase the cost of publicly financed facilities or services; (d) be so situated and of such topographic and soil types and characteristics that agricultural use under agricultural methods and practices common in the area will not result in damaging soil erosion or materially increase surface runoff of rainfall from the tract or increase siltation of streams; (e) are not needed for public purposes; and (f) use for agricultural purposes will not be contrary to local or state zoning ordinances or other land use restrictions.

§281.2 Responsibility for examination, appraisal and sale. The Forest Service, Department of Agriculture, will have primary responsibility for the examination, appraisal, and sale of lands subject to disposal under § 281.1. The Forest Service is authorized to request other bureaus of the two Departments concerned to render advice and assistance in determining the suitability of lands for agricultural development, in appraisal of lands, or in other matters in which such bureaus can render expert assistance.

§281.3 Applicants. An applicant for purchase of lands designated in §281.1 must be a bona fide resident of the general locality in which the lands are situated and engaged in agriculture, or must give satisfactory evidence of intent to become an actual settler in the locality for farming purposes. An applicant must be 21 years of age or over, or if under the age of 21 years the head of a family, and a citizen of the United States or have declared intention of becoming a citizen.

§ 281.4 Applications. Applications may be filed with the Forest Ranger who administers the lands or the Forest Supervisor or other administering official of the national forest or purchase unit wherein the lands are situated. Each application must include as precise a description of the lands desired as possible, and in such detail as will permit their location on the ground by examining officers. The applicant must furnish evidence satisfactory to the Forest Service that he can comply with the requirements and specifications of § 281.3 and that he will use the lands, if he acquires them, for agricultural purposes. His name and address must be clearly set forth.

§ 281.5 Examination and appraisal. Upon receipt of an application meeting the requirements of § 281.4, the Forest Service will examine the land applied for and will determine if it properly may be sold under the applicable law and part 281 of this chapter. If the decision is that it should not be sold, the applicant will be so notified, with reasons for the decision. If it is determined that the land properly may be sold, the necessary appraisal will be made to determine its true value.

§ 281.6 Sale without application. Lands within the purview of this part may be offered for sale without application by the Forest Service. Sales pursuant to this section will be accomplished in accordance with and subject to the provisions of § 281.7 to 281.13.

§ 281.7 Values. Lands will be appraised on the basis of market value under conditions current at the time of appraisal.

§ 281.8 Sale procedure. (a) Notice of sale of lands found qualified for sale under § 281.1 upon application or otherwise, will be published by the Forest Service once each week for three consecutive weeks in a publication of general circulation in the county wherein the lands are situated, and a similar notice will be sent by regular mail to the applicant, if any, and to any other persons known to be interested. Such notice may be published in newspapers circulating in adjoining counties to the extent desirable to give adequate public notice. The notice shall describe the lands to be sold, shall state the minimum acceptable price, which shall be the appraised value of the lands,

any conditions of sale or proposed reservations; the deposit, required to be furnished with the bid, and shall prescribe the date by which sealed bids must be received or the date on which a sale through oral bids will be held and the Forest Service office to which bids shall be sent or at which the sale will take place. The published notice will also set forth the qualifications which bidders must meet in accordance with § 281.3.

(b) The Forest Service may invite sealed bids or provide for sale through oral bids. Sealed bids must be accompanied by evidence that the bidder can meet the provisions of § 281.3 and like evidence must be shown if sale is by oral bid. Sealed bids also must be accompanied by money order or certified or cashier's check for 25 percent of the amount bid, such deposit to be returned if the bid is rejected or retained and applied on the purchase price if the bid is accepted. Award of sale through oral bid will be conditioned upon deposit by the highest bidder of 25 percent of the bid price.

(c) Lands will be sold to the highest bidder qualified under the law and the provisions of this part, but at not less than the appraised value: PROVIDED, That any person who at time of sale has under a valid permit from the Forest Service used for agricultural purposes the lands being sold for at least 12 months shall for 30 days after the date of the sale have the privilege of meeting the highest bid and of purchasing the land at such bid price. Where lands subject to a special use permit for agricultural purposes, as above, are sold the concerned permittee, if not the high bidder, shall be notified promptly of the sale and of his privileges, and sale to the high bidder shall be held in abeyance for the requisite period of time.

§ 281.9 Conveyances. Conveyance of the land shall be by quitclaim deed which will be executed by the Chief or Acting Chief of the Forest Service.

§ 281.10 Reservations, exceptions, conditions, and outstanding rights. The deed of conveyance may reserve to the United States such timber, minerals, easements, or rights of use as the Forest Service may find necessary or desirable in the public interest and may be subject to such special conditions as may be necessary to protect the national forest. Lands subject to mineral leases granted by the United States will be sold subject to such leases and to reservations or conditions necessary to protect the interests of the lessee and the United States, including a reservation to the United States of all rents royalties, or other income to be paid under such lease. Deeds shall set forth any exceptions or outstanding rights to which the lands are subject and of which the Forest Service has knowledge.

§ 281.11 Payment for land. Payment of the full purchase price will be required before or upon delivery of the deed from the United States. The purchaser will be notified by letter when the deed is available for delivery to him and will be allowed 60 days from receipt of such notice within which to tender the purchase price and receive the deed. If payment is not made within the specified period the sale will be cancelled and the purchaser so notified.

§ 281.12 Appeals. Applicants shall have the right to appeal from decisions under this part. Appeals must be in writing and must be filed with the official rendering the decision within thirty days of the receipt by the applicant of the decision from which the appeal is taken. The decision of the Secretary of Agriculture thereon shall be final.

§ 281.13 Delegation of authority. The Chief or Acting Chief, Forest Service, is authorized to prescribe such supplemental procedures and conditions or delegate such functions or authority as may be necessary or desirable to carry out the regulations prescribed in §§ 281.1 to 281.13.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C. this 21st day of April 1954.

(SEAL)

E. T. Benson
Secretary of Agriculture

Done at Washington, D. C. this 22d day of October 1954.

(SEAL)

Clarence A. Davis
Acting Secretary of the Interior

(F.R. Doc. 55-2631; Filed Mar. 30, 1955; 8:45 a.m.)

EXHIBIT 6

TITLE 36 - PARKS, FORESTS, AND MEMORIALS

Chapter II - Forest Service, Department of Agriculture

Part 251 - Land Uses

Disposal of Materials

Regulation U-13

Part 251 is hereby amended by the addition of section 251.4 to read as follows:

251.4. Disposal of Materials. (a) Authority (1) Pursuant to the act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185-1188), as amended by the act of August 31, 1950 (64 Stat. 571) and the act of July 23, 1955, (Public Law No. 167, 84th Cong.), the Chief of the Forest Service or, upon his authorization, the regional forester, forest supervisor, or forest ranger, may dispose of common varieties of sand, stone, gravel; pumice, pumicite, and cinders on lands under his jurisdiction or custody, and may dispose of other mineral materials, including clay, from such lands where the mineral materials are not of such quality and quantity as to be subject to disposal under the United States mining laws. All such disposals shall be in such form, and contain such terms, stipulations, conditions and agreements as may be required by the regulations of the Secretary of Agriculture and instructions of the Chief, Forest Service.

(2) Disposals under this authority may be made only from lands set apart or reserved from the public lands (i) for national forest purposes; (ii) for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, or (iii) for use in connection with any other activity, purpose, or function administered or carried out by or under the authority of the Chief, Forest Service, or from national forest lands received in exchange for national forest lands set apart and reserved from the public lands or timber thereon.

(3) Disposals under this authority may not be made on lands withdrawn in aid of a function of a Federal department or agency other than the Department of Agriculture or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, without the consent of such other Federal department or agency or of such State, Territory, or local governmental unit.

(4) Disposals under this authority may be made only if the disposal of such material is (i) not otherwise expressly authorized by law, (ii) not expressly prohibited by laws of the United States, and (iii) not detrimental to the public interest.

(b) Method of disposal. (1) All materials to be disposed of under this authority, except as provided in subparagraph (4) of this paragraph, shall be appraised in such manner as determined by the Chief, Forest Service, and shall be disposed of at not less than the appraised value.

(2) Where the appraised value of the material exceeds \$1,000, it shall be disposed of to the highest responsible qualified bidder by competitive bidding after publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper having general circulation in the county in which the material is located, subject to the following provisions:

- (i) Such disposals may be by sealed bid or oral auction in the discretion of the authorized disposal officer.
- (ii) The authorized officer, in his discretion, may reject any or all bids in the interest of the Government.
- (iii) An award will be made to the highest responsible qualified bidder, except as provided in subdivision (ii) of this subparagraph. If the highest bidder fails to qualify or make the required payments within the time allowed, award may be made to the next highest qualified bidder in the discretion of the authorized officer or the material may be disposed of by readvertising.

(3) Where the appraised value of the material is \$1,000 or less, it may be disposed of

- (1) To a responsible qualified applicant by Special Use Permit in accordance with and subject to the conditions of § 251.1 of this Title upon the payment of an adequate compensation, provided that not more than \$1,000 worth of materials may be sold uncompetitively to any one applicant in any one area in any period of twelve consecutive months, such period to begin the first of the month in which any sale is made, or
- (ii) To the highest responsible qualified bidder at public auction or under sealed bids after such notice as may be deemed appropriate.
- (4) Material may be disposed of hereunder to any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, without charge, provided that
 - (i) The materials shall be for use for other than commercial or industrial purposes or resale;
 - (ii) Such users shall make such provision as may be required by the authorized officer to prevent pollution or erosion and to reseed, replant, rehabilitate, or restore the land to a productive capacity to the satisfaction of such officer;
 - (iii) Nothing in this section shall be construed to prevent a charge for such materials if the circumstances are such as to warrant a fee. Such fee may be the appraised value of the material or such lesser amount as may be deemed just and reasonable in the circumstance;

(Act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185-1188) as amended (64 Stat. 571 and Public Law No. 167, 84th Cong.))

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this fourth day of August, 1955.

/s/ True D. Morse

True D. Morse
Acting Secretary

(20 Fed. Reg. 5724)

EXHIBIT 7

FLOW CHART
SHOWING STEPS IN DEPARTMENT OF AGRICULTURE UNDER CURRENT PROCEDURE IN
PROCESSING AN APPLICATION FOR MINERAL MATERIALS ON ACQUIRED LANDS
UNDER JURISDICTION OF THE SECRETARY OF AGRICULTURE

STEPS	Local Land Office (BLM)	Regional Forester	Forest Supervisor	Forest Ranger	Chief, Forest Service
1. Application filed by applicant	X				
2. Application referred to Forest Service (a) for determination that development will not interfere with purposes for which land acquired (b) for conditions to protect such purposes (c) for title data (d) for accounting and deposit data		X			
3. Application referred to Forest Supervisor			X		
4. Lands identified and application noted on mineral status record			X		
5. Examine deeds and abstracts of title; excerpt mineral title data			X		
6. Make impact analysis to determine whether mineral exploration and development compatible with other land use			X	X	
7. Prepare conditions of use necessary to protect surface resources and other uses if preceding steps indicate favorable action on application			X	X	
8. Recommend for or against approval of application			X	X	
9. Complete report form, including accounting data			X		

	Local Land Office (BLM)	Regional Forester	Forest Supervisor	Forest Ranger	Chief, Forest Service
10. Review Supervisor's recommendation		X			
11. Make final determination whether mineral development will interfere, except special cases		X			
12. Review Regional Forester's report and recommendation in special cases					X
13. Make final determination in special cases involving strip-mining or reserved areas					X
14. Return report to Bureau of Land Management	X				
15. Supervise compliance with special stipulations and surface management provisions of permit or lease when issued			X		

* The flow chart for mineral materials under Sec. 3 of the Act of September 1, 1949, and Sec. 3 of the Act of June 28, 1952, is the same.

For mineral materials under the Act of June 30, 1950, the procedure is the same except for elimination of Step 5, which is unnecessary for public lands.

EXHIBIT 8

FLOW CHART
SHOWING STEPS IN DEPARTMENT OF AGRICULTURE UNDER PROPOSED PLAN IN
PROCESSING AN APPLICATION FOR MINERAL MATERIALS ON ACQUIRED
LANDS UNDER JURISDICTION OF THE SECRETARY OF AGRICULTURE

STEPS	Forest Ranger	Forest Supervisor	Regional Forester	Chief, Forest Service	Attorney in Charge Office of General Counsel
1. Application received by Forest Ranger or Supervisor	X	X			
2. Lands identified	X	X			
3. Deeds and abstract of title examined and mineral ownership determined		X			
4. Questionable ownerships referred for review and legal determination			X		X
5. Impact analysis to determine whether mineral exploration and development compatible with other land use	X	X			
6. Determine conditions of use necessary to protect surface resources and other uses if preceding steps indicate favorable action on application	X	X			
7. Appraise material	X	X			
8. Prepare permit, noncompetitive and noncommercial disposals, except special cases (a) Limited local sales (b) Other sales	X	X			
9. Administrative and legal review in non-routine cases			X		X
10. Prepare advertisement, competitive disposals, except special cases		X			
11. Review and recommend action, special cases			X		
12. Final determination special cases--large-scale stripping operations and reserved areas--whether leasing may be permitted				X	

STEPS	Forest Ranger	Forest Supervisor	Regional Forester	Chief, Forest Service	Attorney in Charge Office of General Counsel
13. Return to Regional Forester			X		
14. Return to Forest Supervisor for					
(a) Permit preparation		X			
(b) Advertisement		X			
(c) Rejection of application		X			
15. Administration of Permit	X				
16. Inspection		X			
17. Collections		X			
18. Terminations		X	X		

EXHIBIT C.—BUREAU OF THE BUDGET ANALYSIS OF REORGANIZATION PLAN
No. 1 of 1959

PART I. FUNCTIONS TRANSFERRED

The following-described functions of the Secretary of the Interior will be transferred to the Secretary of Agriculture upon the coming into effect of Reorganization Plan No. 1 of 1959:

Section 1(a) of plan:

1. Accepting on behalf of the United States, in Secretary's discretion, titles to lands conveyed to U.S. in exchanges under the Act of March 20, 1922, c. 105, 42 Stat. 465, as amended (16 U.S.C. 485, 486). Geographically, the statute is a general one. Each such exchange involves the transfer to the United States of lands within the exterior boundaries of a national forest and the exchange therefor of either (a) national forest lands in the same State, or (b) authorization (by the Secretary of Agriculture) to cut and remove timber within the national forests of the same State.
2. Determination with respect to each exchange transaction under that Act that the public interests will be benefited by the exchange.
3. The making of reservations of timber, minerals, or easements with respect to U.S. lands conveyed in any exchange and the acceptance of such reservations with respect to lands conveyed to the U.S. in any exchange, under section 2 of the Act (16 U.S.C. 486).
4. Except as indicated in item 5, below, all other acts required of the Secretary of the Interior under the statute. 1/
5. Under the plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U.S. in the exchange.
6. All of the above relate, additionally, to extensions of the 1922 Act, as amended. E.g.:

1/ The functions referred to in items 1 to 3, inclusive, above, and in other corresponding parts of this memorandum, are those expressed in statutory language and omit reference to incidental steps. As a practical matter, it is necessary for the Secretary of the Interior, for example, to review and approve titles to lands and to adjudicate any protests with respect to exchanges; these duties will be performed by the Secretary of Agriculture when the reorganization plan has become effective.

- (a) Exchanges of forest lands in Missouri under Public Law 85-282, approved September 4, 1957 (71 Stat. 607; 7 U.S.C. 301 note).
- (b) Exchanges of lands in Colorado under the Act of December 23, 1944, c. 722 (58 Stat. 924; cf. 16 U.S.C. 485 note).

Section 1(b) of plan:

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to private lands conveyed to the U.S. in exchanges under the Act of February 2, 1922 (42 Stat. 362). The exchanges under this Act are similar to those described in item 1 under the heading "Section 1(a) of plan," above, except they are confined to the Deschutes National Forest and the State of Oregon, etc.
2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the statute.
3. Under the plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U.S. in the exchange.

Section 1(c) of plan:

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the United States under the Act of June 7, 1924, 43 Stat. 643. Under this Act the U.S. may accept certain privately owned lands in New Mexico (chiefly valuable for national forest purposes, as determined by the Secretary of Agriculture), and, in exchange therefor, the Secretary of Agriculture may authorize the grantor to cut and remove timber within national forests in New Mexico.
2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the June 7, 1924, Act.
3. The function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) is not transferred. This is the only function under the June 7, 1924, Act, which will remain in the Secretary of the Interior under the plan. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plat and field notes thereof.

Section 1(d) of plan:

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the U.S. under the Act of January 12, 1925 (43 Stat. 739). This Act is similar to 43 Stat. 643, above, except that the location of the privately owned lands in New Mexico differs.
2. The function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) is not transferred. This is the only function under the January 12, 1925, Act, which will remain in the Secretary of the Interior under the plan. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(e) of plan:

1. Accepting on behalf of the United States, in Secretary's discretion, titles to lands conveyed to U.S. in exchanges under the April 21, 1926, Act (44 Stat. 303). Each such exchange involves the transfer to the United States of certain lands located in New Mexico which are privately owned, adjoin one or more national forests, and (as determined by the Secretary of Agriculture) are chiefly valuable for national forest purposes, and the exchange thereof of either (a) national forest lands in New Mexico or Arizona, or (b) the authorization (by the Secretary of Agriculture) to cut and remove timber within national forests in Arizona or New Mexico.
2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the statute.
3. Under the reorganization plan the Secretary of the Interior will have the nondiscretionary function of issuing patents to national forest lands given by the U.S. in the exchange. Further, the function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) will remain in the Secretary of the Interior. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(f) of plan:

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the U.S. in exchanges

under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38). Each such exchange involves the transfer to the United States of privately or State-owned lands in Montana and the exchange therefor of either (a) national forest land in Montana, or (b) the authorization (by the Secretary of Agriculture) to cut and remove timber within national forests in Montana.

2. That portion of the function of determining the values of lands or timber involved in exchanges under section 2 which is vested in the Secretary of the Interior (the Secretary's share of the joint determination).
3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under section 2 of the Act of May 26, 1926.
4. Under the reorganization plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U.S. in the exchange.

Section 1(g) of plan:

Note: Section 1(g) of the plan concerns the Act of June 15, 1926 (44 Stat. 746). That Act authorizes the exchange of lands of the State of New Mexico for "unappropriated, ungranted, national forest or other government land belonging to the United States" The reorganization plan affects only those exchanges in which the U.S. lands exchanged are national forest lands; items 1 to 4, below, are subject to this observation.

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the U.S. in exchanges under section 1 or 2 of the June 15, 1926, Act (44 Stat. 746).
2. Giving, in the Secretary's discretion, U.S. lands in exchange for the lands so accepted.
3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under the June 15, 1926, Act.
4. Under the reorganization plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U.S. in the exchange.

Section 1(h) of plan:

Note: The Act of December 7, 1942 (56 Stat. 1042), relates to certain exchanges of lands in Minnesota. There are three distinct provisions, for exchanges, in the Act. The reorganization plan does not concern exchanges under section 1 of the Act or under the portion of section 2 which precedes the first semicolon thereof. It does concern certain exchanges under the portion of section 2 which is between the first and second semicolons thereof; specifically, it concerns those exchanges thereunder in which the U.S. lands to be exchanged are lands under the jurisdiction of the Secretary of Agriculture and the lands received by the United States will, after the exchange, be under the jurisdiction of the Secretary of Agriculture. Items 1 to 5, below, are subject to this observation.

1. Accepting on behalf of the United States titles to lands conveyed to the U.S. in exchanges under the above-described part of section 2 of the December 7, 1942, Act.
2. That portion of the function of determining that an exchange is in the public interest which is now vested in the Secretary of the Interior (the Secretary's share of the joint determination (cf. sec. 4 of Act)).
3. Attaching conditions and reservations to conveyances of lands to Minnesota.
4. Except as indicated in item 5, below, all other acts required of the Secretary of the Interior under the statute.
5. The Secretary of the Interior will have, under the plan, the nondiscretionary function of issuing patents to national forest lands reserved from the public domain which are given by the U.S. in the exchange. There are not transferred the functions of the Secretary of the Interior with respect to surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting Minnesota lands which become part of a national forest by reason of a land exchange under the 1942 Act.

Section 1(i) of plan:

1. So much of the function of the Secretary of the Interior (originally vested in the Commissioner of the General Land

Office) of executing quitclaim deeds under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872) as is with respect to lands conveyed to the United States in connection with exchange transactions involving U.S. lands under the jurisdiction of the Secretary of Agriculture. (Occasion for quitclaim deed arises when a conveyance of private land to the U.S. has occurred and the application for the land exchange is thereafter withdrawn or rejected.)

2. The reorganization plan does not affect the pertinent functions of the Secretary of the Interior when the lands to be quitclaimed were conveyed to the U.S. in connection with an exchange transaction involving U.S. lands under the jurisdiction of the Secretary of the Interior.

Section 1(j) of plan:

1. Appraisal and sale of U.S. lands described in section 2(b) of the Joint Resolution of August 8, 1947, 61 Stat. 921. The lands so described are vacant, unappropriated, and unpatented lands within the exterior boundaries of the Tongass National Forest in Alaska.
2. The function of joining with the Secretary of Agriculture in the following: (a) the determination that the lands are reasonably necessary in connection with or for the processing of timber from lands within the national forest, and (b) the fixing of the terms and conditions of sale.
3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under section 2(b) of the August 8, 1947, Act.
4. Under the reorganization plan, the Secretary of the Interior will have the nondiscretionary duty of issuing, upon the recommendation of the Secretary of Agriculture, patents for lands sold.

Section 1(k) of plan:

1. That portion of the function of prescribing rules and regulations, governing the sale, etc., of lands, which is vested in the Secretary of the Interior by section 10 of the Weeks Law (Act of March 1, 1911, 36 Stat. 962, 16 U.S.C. 519). The rules and regulations are now required by the statute to be issued jointly by the Secretary of Agriculture and the Secretary of the Interior. The said lands

are lands chiefly valuable for agriculture which were included in tracts acquired under the said law, may be occupied for agricultural purposes without injury to the forests or to stream flow, and are not needed for public purposes.

Section 1(1) of plan:

General. Subject to two limitations, section 1(1) of the plan will transfer from the Secretary of the Interior to the Secretary of Agriculture functions under certain Acts and under section 402 of Reorganization Plan No. 3 of 1946 with respect to the use and disposal of mineral materials from lands. The limitations are as follows:

(a) The transfers of minerals functions are only in respect of lands which are otherwise under the jurisdiction of the Secretary of Agriculture. (b) The transfers of functions apply only in respect of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947, 61 Stat. 681, as amended (30 U.S.C. 601 et seq.). Following are further explanations with respect to items (a) and (b), respectively:

(1) The Secretary of Agriculture may now, under 30 U.S.C. 601, dispose of minerals materials (of the kind with which the reorganization plan is concerned) from most public lands under his jurisdiction (see item 2, below). Accordingly, the effect of section 1(1) of the plan is limited primarily to minerals materials from those lands of the United States under the jurisdiction of the Secretary of Agriculture which are acquired lands.

(2) The Secretary of Agriculture may now, under 30 U.S.C. 601, "dispose of mineral materials (including but are not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) ... on public lands of the United States ... if the disposal ... is not otherwise expressly authorized by law ... and is not expressly prohibited by laws of the United States" The result is to confine disposal under 30 U.S.C. 601 to what may be termed surface minerals and to exclude from disposal thereunder all or substantially all mineral materials other than those mentioned in the above-quoted text. Accordingly, and notwithstanding the words "including but ... not limited to," the disposal authority to be transferred to the Secretary of Agriculture by the reorganization plan is confined to, or substantially confined to, common varieties of the materials mentioned in the foregoing text. A principal statute operating to exclude mineral materials from the scope of 30 U.S.C. 601--and therefore from the scope of the reorganization plan--is the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.); that Act empowers the Secretary of the Interior to make leases with respect to deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur.

Reorganization Plan No. 3 of 1946. Section 402 of Reorganization Plan No. 3 of 1946 transferred to the Secretary of the Interior functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits pursuant to the provisions of certain laws specified in section 402 (including 7 U.S.C. 1011c, 7 U.S.C. 1018, 16 U.S.C. 520, etc.). The said laws all concerned acquired lands. The transfers were conditioned as follows: "Provided, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes." While section 402 of the reorganization plan transferred functions with respect to mineral deposits, without further definition, the now pending re-transfer to Agriculture under Reorganization Plan No. 1 of 1959 is restricted, as to materials, according to the limitation (b) set forth under "General," above.

30 U.S.C. 192c. Under section 3 of the Act of September 1, 1949, 63 Stat. 683 (30 U.S.C. 192c), the Secretary of the Interior may now issue leases or permits for the exploration, development, and utilization of mineral deposits of certain acquired lands which have been added to the Shasta National Forest, excluding deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur; but in respect of lands administered by the Secretary of Agriculture the permit or lease requires the consent of the Secretary of Agriculture and may be issued only subject to such conditions as the Secretary of Agriculture may prescribe to assure the adequate utilization of the land for the purposes of protecting, improving, and utilizing their forests, watersheds, and recreational and other resources. Subject to the limitations set forth under "General," above, the plan will transfer the functions of the Secretary of the Interior under 30 U.S.C. 192c to the Secretary of Agriculture; thus (1) no transfer of functions is made in respect of lands administered by the Secretary of the Interior, and (2) the transfer of functions does not extend to minerals other than those which may be disposed of by the Secretary of Agriculture (from other lands) under 30 U.S.C. 601 et seq.

16 U.S.C. 508b. Under the Act of June 30, 1950, 64 Stat. 311 (16 U.S.C. 508b), the Secretary of the Interior, with the consent of the Secretary of Agriculture, may now permit the prospecting for, and the development and utilization of, mineral resources in certain national forest lands in Minnesota. These are in fact public lands reserved for national forest purposes. Authority to dispose of mineral materials would have automatically vested in the Secretary of Agriculture in 1955 along with the authority as to other public lands except that disposal was already otherwise expressly authorized by law. Subject to the limitation (b) set forth under "General," above, the

plan will transfer the functions of the Secretary of the Interior under 16 U.S.C. 508b to the Secretary of Agriculture; thus the transfer of functions does not extend to minerals other than those which may be disposed of by the Secretary of Agriculture (from other lands) under 30 U.S.C. 601 et seq.

66 Stat. 285. Section 3 of the Act of June 28, 1952, 66 Stat. 285, provides, in part and in substance, that mineral deposits in certain national forest lands in New Mexico, other than coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur, shall be administered in the manner prescribed by section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099). In consequence thereof the Secretary of the Interior is now responsible for the uses of mineral deposits as above described, subject to the condition that mineral development on these lands may be authorized by him only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The effect of the now pending reorganization plan, with reference to 66 Stat. 285, will be to transfer to the Secretary of Agriculture that part of the functions of the Secretary of the Interior under 66 Stat. 285 which is governed by section 402 of Reorganization Plan No. 3 of 1946, subject, however, to the limitation (b) set forth under "General," above.

Otherwise. Section 1(1) of the reorganization plan transfers functions vested in the Secretary of the Interior by certain stated provisions "or otherwise". The quoted words are precautionary only; their effect would be to include any additional statutes, as described; however, no such statute has been identified at this time.

PART II. SECTIONS 2 AND 3 OF PLAN

Part I hereof identifies the functions to be transferred from the Secretary of the Interior to the Secretary of Agriculture by Reorganization Plan No. 1 of 1959. It reflects primarily the provisions of section 1 of the reorganization plan. There are set forth below brief analyses of sections 2 and 3 of the plan.

Section 2 of the plan:

As is explained in Part I, above, the transfers of functions under several items of section 1 of the reorganization plan are qualified by section 2. In consequence thereof, following the transfers, the Secretary of the Interior will be responsible (1) for issuing, on

recommendation of the Secretary of Agriculture, patents for national forest lands exchanged under the statutory provisions referred to in sections 1(a), (b), (c), (f), and (g) of the plan and for lands sold under the provision of law referred to in section 1(j) of the plan, and (2) for conveying, on recommendation of the Secretary of Agriculture, public domain national forest lands exchanged by the Secretary of Agriculture (pursuant to the reorganization plan) under the statutory provisions referred to in section 1(h) of the plan.

Section 3 of the plan:

Section 4(a) of Reorganization Plan No. 2 of 1953 empowers the Secretary of Agriculture to provide for the performance of his functions by officers, agencies, and employees of the Department of Agriculture. The effect of section 3 of Reorganization Plan No. 1 of 1959 will be to recognize that the Secretary of Agriculture will have like authority in respect of the functions transferred to him by the latter plan.

EXHIBIT D.—BUREAU OF THE BUDGET STATEMENT OF ADVANTAGES TO BE GAINED
BY REASON OF THE COMING INTO EFFECT OF REORGANIZATION PLAN NO. 1 OF
1959

The taking of effect of the reorganizations included in Reorganization Plan No. 1 of 1959 will permit the more efficient and convenient execution of the transferred functions by the executive branch of the Government, will make possible more expeditious action with respect to individual transactions, and will benefit affected private parties and States, in that their dealing with the Government will be simplified and in that they will be able to obtain more timely action by the Government.

Transfers under the reorganization plan are confined to the transfer of specified functions of the Secretary of the Interior to the Secretary of Agriculture. The plan does not transfer any land or, except for the transfer of authority with respect to exchanges, do any of the following: (1) transfer any jurisdiction with respect to lands or timber, (2) alter the status of the public domain, the national forests, or any other Federal lands, or (3) alter the applicable laws.

Land, and land-timber, exchanges

The following paragraphs relate to sections 1(a) to 1(h), inclusive, of Reorganization Plan No. 1 of 1959--i.e., exchanges of U.S. land or timber for privately owned or State lands.

The principal exchange statute is that referred to in section 1(a) of the reorganization plan--the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486). Under that Act functions are now expressly vested in the Secretary of Agriculture as follows:

1. Determination that lands proposed to be transferred to the United States in an exchange under the Act are chiefly valuable for national forest purposes.
2. Determination of the value of lands conveyed to the U.S. in an exchange under the Act; and the determination of the value, as the case may be, of U.S. lands to be conveyed in the exchange or of timber within the national forests to be allowed to be cut and removed in exchange for land conveyed to the United States.

3. Administration of lands conveyed to the United States in an exchange under the Act as parts of the national forests within whose exterior boundaries they are located.
4. Authorizing a grantor of lands to the United States to cut and remove timber within national forests.
5. Directing, supervising, and prescribing requirements governing such cutting and removal of timber.
6. Determination of reasonable conditions with respect to the exercise of reservations of timber, minerals, or easements made in lands conveyed to the United States.

The functions expressly vested in the Secretary of the Interior by the Act are as follows:

- A. Accepting on behalf of the United States, in Secretary's discretion, titles to lands conveyed to U.S. in exchanges under the Act of March 20, 1922, c. 105, 42 Stat. 465, as amended (16 U.S.C. 485, 486).
- B. Determination with respect to each exchange transaction under the Act that the public interests will be benefited by the exchange.
- C. The making of reservations of timber, minerals, or easements with respect to U.S. lands conveyed in any exchange and the acceptance of such reservations with respect to lands conveyed to the U.S. in any exchange, under section 2 of the Act (16 U.S.C. 486).
- D. Patenting national forest lands given by the U.S. in an exchange under the Act.

Although the responsibilities of the two Secretaries under the provisions of law referred to in sections 1(b) to 1(h), inclusive, of the reorganization plan are not in all respects identical with the foregoing, they accord therewith in large measure.*

The statutory assignment of functions to the Secretary of Agriculture as indicated in items 1-6, above, and such assignment to the Secretary of the Interior as indicated by items A-D, above, do not

* The responsibilities of the Secretary of the Interior are set forth in another memorandum headed "Analysis of Reorganization Plan No. 1 of 1959."

represent directly and expressly a duplication of functions. However, duplication of work is the practical consequence of this pattern of vesting functions. For example: (1) The major steps required of the Secretary of the Interior in an exchange are to determine that the public interests will be benefited thereby and to accept title to non-Federal lands. (2) Yet the actions required of the Secretary of Agriculture, and particularly his recommendation of a given exchange to the Secretary of the Interior, necessitate his also evaluating the proposed exchange in respect of public interests and evaluating whether offered non-Federal land should be accepted by the United States. In practical terms, there is major duplication of work in the present exchange process. A primary benefit of the reorganization plan will be to eliminate that duplication.

Other benefits to be gained will be as follows: (a) Since the functions of the Secretary of the Interior with regard to the exchanges will be confined to patenting or otherwise conveying U.S. lands, the non-Federal parties to the exchange will be able to deal almost exclusively with one agency -- the Department of Agriculture. (b) Since the field organization of the Department of Agriculture bears a far closer relation to the location of property to be exchanged than does that of the Department of the Interior, convenience will be promoted in respect of all parties. (c) Elimination of extensive participation by one of the two departments will materially expedite the disposition of this business of the Government and obviate excessive delay in completing action on exchange proposals of non-Federal parties. (d) The administration of the exchanges (except for the nondiscretionary conveyance of Federal lands) will be carried out by the Department which otherwise has jurisdiction over the Federal property involved in exchanges and also has, after exchange, jurisdiction over the property acquired by the U.S. in the exchange.

Quitclaim deeds

Section 6 of the Act of April 23, 1930, 43 U.S.C. 872, authorizes the Secretary of the Interior (originally the Commissioner of the General Land Office) to execute a quitclaim deed to the party or parties which have conveyed land to the United States in connection with an application for an exchange of lands, etc., if the application is thereafter withdrawn and rejected and if the deed of conveyance has been recorded. The reorganization plan transfers to the Secretary of Agriculture that part of this authority of the Secretary of the Interior which is with respect to lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

Section 1(i) of the reorganization plan is supplementary of sections 1(a) to 1(h), inclusive, of the plan. Except with respect to currently pending transactions, the occasion for executing a quit-claim deed will arise only when an application for exchange has been presented to the Secretary of Agriculture and it thereafter becomes necessary to reconvey to the applicant his land conveyed to the United States in connection with his application. Those lands will not at any time, in connection with that application, have been under the jurisdiction of the Secretary of the Interior and normally the Secretary of the Interior will not at any time have been concerned with the application for exchange. The benefit to be derived from section 1(i) of the reorganization plan is essentially that of obviating the involvement of a second department in the relatively minor duty of returning lands to applicants and the consequent convenience and expedition of business.

Land appraisals and sales

The effect of section 1(j) of the reorganization plan will be to transfer to the Secretary of Agriculture the authority of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947, 61 Stat. 921. Section 2(b) authorizes the Secretary of the Interior to appraise and sell such vacant, unappropriated, and unpatented lands in the Tongass National Forest in Alaska as are jointly determined by the Secretary of the Interior and the Secretary of Agriculture to be reasonably necessary in connection with or for the processing of timber from lands within such national forests upon such terms and conditions as they may impose. Under the plan the Secretary of the Interior would issue patents to lands sold. Since these sales involve lands under the jurisdiction of the Department of Agriculture and have a practical connection with the processing of timber from such lands, and the personnel of the Department of Agriculture is located on the ground, this transfer of the functions of appraisal and sale, exclusive of issuance of patents, is advantageous.

Regulations re land sales

Section 10 of the Act of March 1, 1911 (Sec. 10 of the Weeks Law, 16 U.S.C. 519), authorizes the Secretary of Agriculture to offer for sale certain land chiefly valuable for agriculture, not needed for public purposes, etc., "under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe." Under section 1(k) of the reorganization plan the Secretary of Agriculture alone would issue these rules and regulations. The lands which may be sold are acquired national forest lands and are therefore administered by the Department of Agriculture. The benefit to be

obtained from section 1(k) of the reorganization plan is essentially one of simplification. Except with respect to the issuance of the joint regulations, the Secretary of the Interior is, under present law, in no way involved in these land sales. Section 1(k) of the plan is generally consistent with sections 1(a) to 1(h), inclusive.

Disposal of certain common materials

Section 1(1) of the reorganization plan transfers to the Secretary of Agriculture certain functions of the Secretary of the Interior with respect to the use and disposal of limited mineral materials on acquired lands under the jurisdiction of the former. The transferred functions are described in detail in another memorandum headed "Analysis of Reorganization Plan No. 1 of 1959." In general, the effect of the reorganization plan will be to place in the Secretary of Agriculture authority to dispose of the same mineral materials from acquired lands under his jurisdiction as he is now authorized to dispose of from public lands under his jurisdiction by the Act of July 31, 1947, as amended. The transferred functions do not include authority to dispose of various mineral materials authorized to be disposed of by laws other than the July 31, 1947 Act, as amended, including the Mineral Leasing Act and the mining laws. Specifically, the transferred functions do not extend, for example, to the disposal of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur, or to other valuable minerals which could be disposed of under the mining laws if they were on public domain lands. The materials which the Secretary of Agriculture will be authorized to dispose of under section 1(1) of the reorganization plan are limited to, or substantially limited to, sand, stone, gravel, pumice, pumicite, cinders and clay.

Present law provides for a form of joint administration of the disposal of sand, stone, gravel, etc., from lands under the jurisdiction of the Secretary of Agriculture, in that the disposal authority is in the Secretary of the Interior but the consent of the Secretary of Agriculture, or the equivalent thereof, is required. This procedure is proper in relation to valuable minerals but is unduly cumbersome, time-consuming, and inefficient in relation to the type of materials affected by the reorganization plan; and it is devoid of any compensating benefits. By way of illustration, it may be pointed out that the reorganization plan will obviate the present condition whereby a purchaser who seeks to obtain gravel from a single deposit may be required to apply to the Secretary of Agriculture in regard to the portion of the deposit which is in public domain national forest lands and may be required to apply to the Secretary of the Interior with respect to the portion of the same deposit in adjoining acquired lands -- despite the fact that the latter lands are otherwise also under the jurisdiction of the Secretary of Agriculture.

EXHIBIT E.—COMPILATION OF STATUTES AND REORGANIZATION PLANS REFERRED TO
IN REORGANIZATION PLAN NO. 1 OF 1959

U.S. STATUTES REFERRED TO IN REORGANIZATION PLAN NO. 1 OF 1959

*Prepared by the Library of Congress, Legislative Reference Service,
American Law Division, May 19, 1959*(a) Act of March 20, 1922 (42 Stat. 465), as amended; 16 U.S.C. 485, 486

§ 485. Exchange of lands in national forests; cutting timber
in national forests in exchange for lands therein.

When the public interests will be benefited thereby, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

§ 486. Exchange of lands in national forests; reservations
of timber, minerals, or easements.

Either party to an exchange under section 485 of this title may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and

occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(b) Act of February 2, 1922 (42 Stat. 362)

CHAP. 46. An Act Authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within or within six miles of the exterior boundaries of the Deschutes National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land, in the State of Oregon, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest, in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Deschutes National Forest.

Approved, February 2, 1922.

(c).

Act of June 7, 1924 (43 Stat. 643)

CHAP. 333. An Act Providing for the acquirement by the United States of privately owned lands within Rio Arriba and Taos Counties, New Mexico, known as the Las Trampas grant, by exchanging therefor timber within the exterior boundaries of any national forest situated within the State of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Las Trampas grant, located within the counties of Rio Arriba and Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

Sec. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

Sec. 3. That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

Sec. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

Approved, June 7, 1924.

(d)

Act of January 12, 1925 (43 Stat. 739)

CHAP. 74. - An Act Providing for the acquirement by the United States of privately owned lands within Taos County, New Mexico, known as the Santa Barbara grant, by exchanging therefor timber, or lands and timber, within the exterior boundaries of any national forest situated within the State of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Santa Barbara grant, located within the county of Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

Sec. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

Sec. 3. That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

Sec. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

Approved, January 12, 1925,

(e)

Act of April 21, 1926 (44 Stat. 303)

CHAP. 167. - An Act Providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, New Mexico, within the Mora grant, and adjoining one or more national forests, by exchanging therefore lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Mora grant, as described in the patent issued by the United States, located in the counties of San Miguel, Mora, Taos, and Colfax, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor to patent not to exceed an equal value of national forest land in that State or the State of Arizona, or the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or of the State of Arizona, the value in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture: Provided, That the consent and approval of the Governor of Arizona shall have first been secured before any timber is given in exchange in the State of Arizona under this Act.

Sec. 2. Lands offered for exchange hereunder and not covered by public land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General.

Sec. 3. Any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine.

Sec. 4. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange.

Approved, April 21, 1926.

(f) Act of May 26, 1926 (44 Stat. 655); 16 U.S.C. 38

CHAP. 399. An Act To make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this Act.

Sec. 2. That the Secretary of the Interior be, and is hereby authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships herein above described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value

of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: Provided, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

Sec. 3. That reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this Act. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this Act: Provided, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

Sec. 4. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated east of the Yellowstone River, in townships 8 and 9 south, ranges 7, 8, and 9 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act are hereby added to and made parts of the Absaroka National Forest, subject to all laws and regulations relating to the National forests, and the east bank of the Yellowstone River is hereby established as the western boundary of said Absaroka National Forest in the townships above described.

Sec. 5. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated west of the Yellowstone River, in townships 8 and 9 south, ranges 7 and 8 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act, are hereby added to and made parts of the Gallatin National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the eastern boundary of said Gallatin National Forest in the townships above described.

Sec. 6. That the President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of this Act, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this Act; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: Provided, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of this Act: And provided further, That the lands of the United States acquired by donation or purchase within the area described in section 1 of this Act shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests.

Approved, May 26, 1926.

(g) Act of June 15, 1926 (44 Stat. 746)

CHAP. 590. - An Act To amend an Act approved June 20, 1910, entitled "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled, "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, be, and the same is hereby amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: Provided, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States, title to any land within the exterior boundaries of the national forests in the State of New Mexico, title to which is in the State of New Mexico, which the said State of New Mexico is willing to convey to the United States, and which shall be so conveyed by deed duly recorded and executed by the governor of said State and the State land commissioner, with the approval of the State land board of said State, and as to land granted to the said State of New Mexico for the support of common schools with the approval of the State superintendent of public instruction of said State, as to institutional grant lands with the approval of the governing body of the institution for whose benefit the lands so reconveyed were granted to said State, if, in the opinion of the Secretary of Agriculture, public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor, the Secretary of the Interior, in his discretion, may give not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That authority is hereby vested in the President temporarily to withdraw from disposition under the Act of June 25, 1910 (Thirty-sixth Statutes at Large, page 847), as amended by the Act of August 24, 1912 (Thirty-seventh Statutes at Large, page 497), lands proposed for selection by the State under the provisions of this Act.

Sec. 2. Where sections 2, 16, 32, and 36, within national forests, legal title to which sections is retained in the United States under the provisions of section 6 of the said Act of June 20, 1910, and which sections are administered as a part of the said national forests for the benefit of the said State of New Mexico, have not already been tendered as base for indemnity selection under sections 2275 and 2276, United States Revised Statutes, and where such sections of land, in the opinion

of the Secretary of Agriculture, are chiefly valuable for forest purposes, upon surrender by the State of New Mexico of the right to make lieu selections and of all claim, right, or interest in or to said sections upon and in the event of elimination from the national forests, the Secretary of the Interior, in consideration of such surrender, may, in his discretion, give to the State of New Mexico not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That the Secretary of Agriculture may establish regulations and a procedure for appraising the values of the lands owned by the United States and by the State and for carrying out the provisions of this Act.

Sec. 3. That all lands acquired by the State of New Mexico under the provisions, and all the products and proceeds of said lands, shall be subject to all the conditions and trusts to which the lands conveyed or surrendered in lieu thereof are now subject. All lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forests within which they are situated.

Sec. 4. That pursuant to section 10, Article XXI, constitution of the State of New Mexico, the consent of the United States is hereby granted for amendment of the constitution of the State of New Mexico in accordance with the provision of this Act.

Approved, June 15, 1926.

(h)

Act of December 7, 1942 (56 Stat. 1042)

CHAP. 691 - To authorize the exchange of certain lands in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national park or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota, under the jurisdiction of either the Secretary of the Interior or the Secretary of Agriculture, and which are desired by such State.

SEC. 2. The Secretary of Agriculture is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota which are under the jurisdiction of the Secretary of Agriculture and where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the said Secretary of Agriculture; and the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under the jurisdiction of the Secretary of Agriculture, in exchange for any surveyed public lands, unappropriated, and unreserved except for Executive Order Numbered 6964, dated February 5, 1935, or public domain in national forests, of equal value owned by the United States, where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the Secretary of the Interior; the lands within the national forests so accepted by said Secretary of the Interior thereafter to be subject to the provisions of the Act of February 1, 1905 (33 Stat. 628), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of lands reserved from the public domain.

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are authorized to make conveyances, on behalf of the United States, to the State of Minnesota of any lands under their respective jurisdictions to carry out the purposes of this Act: Provided, That all conveyances of public domain in national forests shall be made by the Secretary of the Interior as provided for by the Act of February 1, 1905 (33 Stat. 628).

SEC. 4. The conveyance of any land by the State of Minnesota, under the provisions of this Act, may be made subject to such reservations and conditions as such State shall prescribe, and the conveyance of any land by the United States, under the provisions of this Act, may be made subject to such reservations and conditions as the United States shall prescribe; but such reservations and conditions shall be duly considered in determining the value of the lands for the purposes of making any exchange of lands under this Act. Any exchange of lands under the provisions of this Act shall be made only after a determination that such exchange will be in the public interest. Such determination may be made by the Secretary of the Interior if the lands to be conveyed by the United States are under his jurisdiction and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. Such determination may be made by the Secretary of Agriculture if the lands to be conveyed by the United States are under his jurisdiction and are to be conveyed by him and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. In all other cases, such determination shall be made by the Secretary of the Interior and the Secretary of Agriculture, jointly.

SEC. 5. Lands acquired by the United States pursuant to any such exchange shall become a part of the national park, national forest, land utilization project, or other Federal reservation to which they may be contiguous or within the exterior boundaries of which they may be located and shall be subject to the laws, rules, and regulations applicable thereto.

Approved, December 7, 1942.

(i) Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872)

CHAP. 219. - An Act Validating certain applications for and entries of public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary

SEC. 6. That where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, for an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Commissioner of the General Land Office is hereby authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(j) Joint Resolution of August 8, 1947 (61 Stat. 921)

CHAP. 516 - To authorize the Secretary of Agriculture to sell timber within the Tongass National Forest.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That "possessory rights" as used in this resolution shall mean all rights, if any should exist, which are based upon aboriginal occupancy or title, or upon section 8 of the Act of May 17, 1884 (23 Stat. 24), section 14 of the Act of March 3, 1891 (26 Stat. 1095), or section 27 of the Act of June 6, 1900 (31 Stat. 321), whether claimed by native tribes, native villages, native individuals, or other persons, and which have not been confirmed by patent or court decision or included within any reservation.

SEC. 2. (a) The Secretary of Agriculture, in contracts for the sale, or in the sale, of national forest timber under the provisions of the Act of June 4, 1897 (30 Stat. 11, 35), as amended, is authorized to include timber growing on any vacant, unappropriated, and unpatented lands within the exterior boundaries of the Tongass National Forest in Alaska, notwithstanding any claim of possessory rights. All such contracts and sales heretofore made are hereby validated.

(b) The Secretary of the Interior is authorized to appraise and sell such vacant, unappropriated, and unpatented lands, notwithstanding any claim of possessory rights, within the exterior boundaries of the Tongass National Forest as, in the opinion of the Secretary of the Interior and the Secretary of Agriculture, are reasonably necessary in connection with or for the processing of timber from lands within such national forest, and upon such terms and conditions as they may impose.

(c) The purchaser shall have and exercise his rights under any patent issued or contract to sell or sale made under this section free and clear of all claims based upon possessory rights.

SEC. 3. (a) All receipts from the sale of timber or from the sale of lands under section 2 of this resolution shall be maintained in a special account in the Treasury until the rights to the land and timber are finally determined.

(b) Nothing in this resolution shall be construed as recognizing or denying the validity of any claims of possessory rights to lands or timber within the exterior boundaries of the Tongass National Forest.

Approved August 8, 1947.

(k) Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519)

§ 519. Agricultural lands included in tracts acquired;
sale for homesteads.

Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this section and sections 513-518 of this title, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie.

And no right, title, interest, or claim in or to any lands acquired under said sections, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

(1) Reorganization Plan No. 3 of 1946 (60 Stat. 1099)

SEC. 402. Functions relating to mineral deposits in certain lands.--The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the Act of March 4, 1917 (39 Stat. 1134, 1150, 16 U. S. C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781), and the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U. S. C. 1011 (c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: Provided, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

Act of September 1, 1949 (63 Stat. 682; 30 U.S.C. 192c)

AN ACT

CHAP. 529. - To eliminate premium payments in the purchase of Government royalty oil under existing contracts entered into pursuant to the Act of July 13, 1946 (60 Stat. 533), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, under any existing contract entered into pursuant to the first proviso in the second paragraph of section 36 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C., sec. 192), any refinery is required to pay a premium price for the purchase of Government royalty oil, such refinery may, at its option by written notice to the Secretary of the Interior, elect either--

(1) to terminate such contract, the termination to take place at the end of the calendar month following the month in which such notice is given; or

(2) to retain such contract with the modifications, that (a) the price, on and after March 1, 1949, shall be as defined in the contract, without premium payments, (b) any credit thereby resulting from past premium payments shall be added to the refinery's account, and (c) the Secretary may, at his option, elect to terminate the contract as so modified, such termination to take place at the end of the third calendar month following the month in which written notice thereof is given by the Secretary.

SEC. 2. The provisions of this Act shall apply to all existing contracts for the purchase of Government royalty oil entered into after the approval of the Act of July 13, 1946 (60 Stat. 533), and prior to the approval of this Act, irrespective of whether a determination of preference status was made in connection with the award of such contracts, but shall not apply to any such contract which subsequent to its award has been transferred, through the acquisition of stock interests or other transactions, to the ownership or control of a refinery ineligible for a preference under said Act of July 13, 1946, and the regulations in force thereunder at the time of such transfer.

SEC. 3. The Secretary of the Interior is hereby authorized under general rules and regulations to be prescribed by him to issue leases or permits for the exploration, development, and utilization of the mineral deposits, other than those subject to the provisions of the Act of August 7, 1947 (61 Stat. 913), in those lands added to the

Shasta National Forest by the Act of March 19, 1948 (Public Law 449, Eightieth Congress), which were acquired with funds of the United States or lands received in exchange therefor: Provided, That any permit or lease of such deposits in lands administered by the Secretary of Agriculture shall be issued only with his consent and subject to such conditions as he may prescribe to insure the adequate utilization of the lands for the purposes set forth in the Act of March 19, 1948: And provided further, That all receipts derived from leases or permits issued under the authority of this Act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease or permit, the intention of this provision being that this Act shall not affect the distribution of receipts pursuant to legislation applicable to such lands.

Approved September 1, 1949.

Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b)

§ 508b. National forests in Minnesota; authority to prospect, develop, mine, remove, and utilize mineral resources.

Where, through withdrawal or reservation or by statutory limitation or otherwise, all or any part of the mineral resources in public-domain lands or lands received in exchange for public-domain lands or for timber on such lands situated within the exterior boundaries of the national forests in Minnesota, are not subject to development or utilization under the mining laws of the United States or the mineral leasing laws, and for the development and utilization of which no other statutory authority exists, the Secretary of the Interior is authorized, under general regulations to be prescribed by him and upon such terms and for specified periods or otherwise as he may deem to be for the best interests of the United States, to permit the prospecting for and the development and utilization of such mineral resources: Provided, That the development and utilization of such mineral deposits shall not be permitted by the Secretary of the Interior except with the consent of the Secretary of Agriculture. All receipts derived from permits or leases issued under the authority of this section for prospecting for and the development and utilization of such mineral resources shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for national forest revenue by sections 499--501 of this title.

Act of June 28, 1952 (66 Stat. 284)

CHAP. 482. - An Act To stabilize the economy of dependent residents of New Mexico using certain lands of the United States known as the North Lobato and El Pueblo tracts, originally purchased from relief program funds, and now administered under agreement by the Carson and Santa Fe National Forests, to effect permanent transfer of these lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of Public Law 499, Eighty-first Congress, approved May 3, 1950, the Secretary of Agriculture, with the consent of the New Mexico Rural Rehabilitation Corporation so to do, evidenced by an appropriate resolution of its board of directors, is hereby authorized and directed to convey, grant, transfer, and quitclaim, not later than May 3, 1953, to the United States for subsequent administration subject to the laws, rules, and regulations applicable to national forest lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended, all right, title, claim, interest, equity, and estate in and to the following-described lands administered by the Secretary as trustee, under an agreement of transfer dated May 16, 1937, as amended January 20, 1939, with the New Mexico Rural Rehabilitation Corporation, and situated in the counties of Rio Arriba and San Miguel, respectively, State of New Mexico, together with the improvements thereon and the rights and the appurtenances thereto belonging or appertaining, to wit:

That part of the Juan Jose Lobato Grant Numbered 164, as shown on plat approved by decree of court of October 13, 1895, and filed in volume 4, page 12, New Mexico Private Land Claims Records of the Bureau of Land Management, which lies northerly of the Chama River, as conveyed to the United States by William S. Jackson on the 30th day of December 1942, and as more specifically described in the deed of conveyance recorded in volume 25-A of deeds, at pages 463-472 of the records of Rio Arriba County, New Mexico.

That part of the Anton Chica Grant Numbered 29, as described on plat of survey approved February 15, 1882, and filed in volume 1, page 18, of New Mexico Private Land Claims Records of the Bureau of Land Management, which has been acquired by the United States

as part of the El Pueblo project, from Gross, Kelly and Company, of Las Vegas, New Mexico, by deed dated October 23, 1939, and recorded in book 128 of deeds at pages 534-537, records of San Miguel County, New Mexico, on February 27, 1940, and north half section 3; lot 1, southeast quarter northeast quarter section 4, township 12 north, range 15 east; south half of fractional section 14; east half southeast quarter section 22; fractional section 23; fractional section 26; east half northeast quarter, northeast quarter southeast quarter, south half southeast quarter, southeast quarter southwest quarter, section 27; north half, east half west half southwest quarter, east half southwest quarter, southeast quarter section 34; section 35, township 13 north, range 15 east; south half southwest quarter section 17; lots 1, 2, northwest quarter northeast quarter section 20; southwest quarter section 26; lot 5, northeast quarter southeast quarter section 27; lots 1, 2, of section 35, township 13 north, range 16 east, New Mexico principal meridian, containing twenty-six thousand four hundred sixty-four and forty-six one-hundredths acres, more or less.

SEC. 2. The lands conveyed to the United States under this Act shall, subject to adequate protection and conservation of soil and vegetative resources and the forests therein, be administered with due regard to the purposes for which the lands were originally acquired by the United States in its program of rural rehabilitation.

SEC. 3. That pending said transfer of the above land to the Forest Service and thereafter, mineral deposits within said tracts of land, whether acquired by purchase with said land or reserved to the Government in the original patent, shall be administered under the Mineral Leasing Act of August 7, 1947 (61 Stat. 913; 30 U. S. C. 351), as to the minerals specified therein, and as to any other minerals in the manner prescribed by section 402 of the President's Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099). Applications for mineral leases at any time heretofore or hereafter filed with respect to said mineral deposits shall be considered and acted upon in the manner prescribed, notwithstanding the provisions of Public Law 499 of the Eighty-first Congress, approved May 3, 1950.

SEC. 4. The following public domain lands are hereby reserved for administration under the Act of June 4, 1897 (30 Stat. 35, 16 U. S. C., 1946 edition, sec. 475), as amended or supplemented: Lot 1, section 25 and lots 1, 2, 3, and 4, section 36, all in township 13 north, range 15 east, New Mexico principal meridian, containing one hundred sixteen and three one-hundredths acres, more or less.

Approved June 28, 1952.

Act of July 31, 1947 (61 Stat. 681)

CHAP. 406.

AN ACT

To provide for the disposal of materials on the public lands of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, under such rules and regulations as he may prescribe, may dispose of materials including but not limited to sand, stone, gravel, yucca, manzanita, mesquite, cactus, common clay, and timber or other forest products, on public lands of the United States if the disposal of such materials (1) is not otherwise expressly authorized by law, including the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this Act and upon the payment of adequate compensation therefor, to be determined by the Secretary: Provided, however, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any person, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this Act, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior or of a State, Territory, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under this Act only with the consent of such Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national forest, national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

Sec. 2. Where the appraised value of the material exceeds \$1,000, it shall be disposed of by the Secretary to the highest responsible qualified bidder by competitive bidding and publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper of general circulation in the county in which the material is located. Where the appraised value of the material is \$1,000 or less, it may be disposed of by the Secretary upon such notice and in such manner as he may prescribe.

Sec. 3. All moneys received from the disposal of materials under this Act shall be disposed of in the same manner as moneys received from the sale of public lands.

Approved July 31, 1947.

Act of July 23, 1955 (69 Stat. 367); 30 U.S.C. 601 et seq.

§ 601. Rules and regulations governing disposal of materials; payment; removal without charge; lands excluded.

The Secretary, under such rules and regulations as he may prescribe, may dispose of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (including but not limited to yucca, manzanita, mesquite, cactus, and timber or other forest products) on public lands of the United States, including, for the purposes of this subchapter, land described in sections 1181a-1181j of Title 43, if the disposal of such mineral or vegetative materials (1) is not otherwise expressly authorized by law, including, but not limited to, sections 315-315m, 315n, 315o-1, and 1171 of Title 43, and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this subchapter and upon the payment of adequate compensation therefor, to be determined by the Secretary: Provided, however, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this subchapter, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the department headed by the Secretary or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, the Secretary may make disposals under this subchapter only with the consent of such other Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this subchapter shall be construed to apply to lands

in any national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians. As used in this subchapter, the word "Secretary" means the Secretary of the Interior except that it means the Secretary of Agriculture where the lands involved are administered by him for national forest purposes or for the purposes of sections 1010-1012 of Title 7 or where withdrawn for the purpose of any other function of the Department of Agriculture.

§ 602. Competitive bidding; publication of notice of disposal; materials valued at \$1,000 or less.

Where the appraised value of the material exceeds \$1,000, it shall be disposed of by the Secretary to the highest responsible qualified bidder by competitive bidding and publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper of general circulation in the county in which the material is located. Where the appraised value of the material is \$1,000 or less, it may be disposed of by the Secretary upon such notice and in such manner as he may prescribe.

§ 603. Disposition of moneys from disposal of materials.

All moneys received from the disposal of materials under this subchapter shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials by the Secretary of Agriculture shall be disposed of in the same manner as other moneys received by the Department of Agriculture from the administration of the lands from which the disposal of materials is made, and except that revenues from the lands described in sections 1181a-1181j of Title 43, shall be disposed of in accordance with said sections and except that moneys received from the disposal of materials from school section lands in Alaska, reserved under section 353 of Title 48, shall be set apart as separate and permanent funds in the Territorial Treasury, as provided for income derived from said school section lands pursuant to sections 353 and 354 of Title 48.

§ 604. Disposal of sand, peat moss, etc., in Alaska; contracts.

Subject to the provisions of this subchapter, the Secretary may dispose of sand, stone, gravel, and vegetative materials located

below highwater mark of navigable waters of the Territory of Alaska. Any contract, unexecuted in whole or in part, for the disposal under this subchapter of materials from land, title to which is transferred to a future State upon its admission to the Union, and which is situated within its boundaries, may be terminated or adopted by such State.

REORGANIZATION PLAN NO. 2 OF 1953

67 Stat. 633

DEPARTMENT OF AGRICULTURE

Section 4. Delegation of Functions*

(a) The Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

(b) To the extent that the carrying out of subsection (a) of this section involves the assignment of major functions or major groups of functions to major constituent organizational units of the Department of Agriculture, now or hereafter existing, or to the heads or other officers thereof, and to the extent deemed practicable by the Secretary, he shall give appropriate advance public notice of delegations of functions proposed to be made by him and shall afford appropriate opportunity for interested persons and groups to place before the Department of Agriculture their views with respect to such proposed delegations.

(c) In carrying out subsection (a) of this section the Secretary shall seek to simplify and make efficient the operation of the Department of Agriculture, to place the administration of farm programs close to the State and local levels, and to adapt the administration of the programs of the Department to regional, State, and local conditions.

* Reorganization Plan No. 1 of 1959 is made subject only to Section 4(a).
Sections 4(b) and 4(c) are included for information purposes.

EXHIBIT F.—STATUTES CITED IN SECTION 402 OF REORGANIZATION PLAN NO. 3
OF 1946

SUPPLEMENT, U.S. STATUTES REFERRED TO IN REORGANIZATION PLAN NO. 1 OF 1959

*Prepared by the Library of Congress, Legislative Reference Service,
American Law Division, May 26, 1959*

STATUTES CITED IN SECTION 402, 60 STAT. 1099

7 U. S. C. 1010, 1011§ 1010. Retirement of submarginal lands.

The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare.

§ 1011. Powers of Secretary of Agriculture.

To effectuate . . . is authorized --

.

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of sections 1010-1013 of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: Provided, however, That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of sections 1001-1005d, 1007, and 1008-1029 of this title, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

40 U. S. C. 401, 403(a), 408 [1940 ed.]§ 401. Federal Emergency Administration of Public Works; creation; officers and employees; exemption from civil service laws and classification act; duration of law.

(a) To effectuate the purposes of sections 401-414 of this title, the President is hereby authorized to create a Federal Emergency Administration of Public Works, all the powers of which shall be exercised by a Federal Emergency Administrator of Public Works (hereafter referred to as the "Administrator"), and to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to sections 661-663, 664-673, and 674 of Title 5, to fix the compensation of any officers and employees so appointed. The President may delegate any of his functions and powers under this chapter to such officers, agents, and employees as he may designate or appoint.

(b) The Administrator may, without regard to the civil-service laws or sections 661-663, 664-673, and 674 of Title 5, appoint and fix the compensation of such experts and such other officers and employees as are necessary to carry out the provisions of this chapter; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing, and binding) as are necessary to carry out the provisions of said sections.

(c) All such compensation, expenses, and allowances shall be paid out of funds made available by sections 401-414 of this title.

(d) After the expiration of two years after June 16, 1933, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 701 of Title 15 has ended, the President shall not make any further loans or grants or enter upon any new construction under this chapter, and any agencies established hereunder shall cease to exist and any of their remaining functions shall be transferred to such departments of the Government as the President shall designate: Provided, That he may issue funds to a borrower under this chapter prior to January 23, 1939, under the terms of any agreement, or any commitment to bid upon or purchase bonds, entered into with such borrower prior to the date of termination, under this section, of the power of the President to make loans.

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§ 403. Financing public works--(a) Power of President to construct or finance public works; limitation on grants to States, municipalities, and public bodies; application of moneys received from sales, etc.

With a view to increasing employment quickly (while reasonably securing any loans made by the United States) the President is authorized

and empowered, through the Administrator or through such other agencies as he may designate or create, (1) to construct, finance, or aid in the construction or financing of any public-works project included in the program prepared pursuant to section 402 of this title; (2) upon such terms as the President shall prescribe, to make grants to States, municipalities, or other public bodies for the construction, repair, or improvement of any such project, but no such grant shall be in excess of 30 per centum of the cost of the labor and materials employed upon such project; (3) to acquire by purchase, or by exercise of the power of eminent domain, any real or personal property in connection with the construction of any such project, and to sell any security acquired or any property so constructed or acquired or to lease any such property with or without the privilege of purchase; Provided, That all moneys received from any such sale or lease or the repayment of any loan shall be used to retire obligations issued pursuant to section 410, in addition to any other moneys required to be used for such purpose; (4) to aid in the financing of such railroad maintenance and equipment as may be approved by the Interstate Commerce Commission as desirable for the improvement of transportation facilities; and (5) to advance, upon request of the Commission having jurisdiction of the project, the unappropriated balance of the sum authorized for carrying out the provisions of the Act entitled "An Act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930 (46 Stat. 583); such advance to be expended under the direction of such Commission and in accordance with such Act; Provided, That in deciding to extend any aid or grant hereunder to any State, county, or municipality the President may consider whether action is in process or in good faith assured therein reasonably designed to bring the ordinary current expenditures thereof. The provisions of this section and section 402 of this title shall extend to public works in the several States, Hawaii, Alaska, the District of Columbia, Puerto Rico, the Canal Zone, and the Virgin Islands.

. . . .

§ 408. Subsistence homesteads; loans authorized.

To provide for aiding the redistribution of the overbalance of population in industrial centers \$25,000,000 is hereby made available to the President, to be used by him through such agencies as he may establish and under such regulations as he may make, for making loans for and otherwise aiding in the purchase of subsistence homesteads. The moneys collected as repayment of said loans shall constitute a revolving fund to be administered as directed by the President for the purposes of this section.

39 Stat. 1150

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

49 Stat. 118

Sec. 5. In carrying out the provisions of this joint resolution the President is authorized (within the limits of the appropriation made in section 1) to acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

49 Stat. 781

Sec. 55. There is hereby made available, out of any money appropriated by the Emergency Relief Appropriation Act of 1935, such amount as the President may allot for the development of a national program of land conservation and land utilization. The sums so allotted may be used, in the discretion and under the direction of the President, for the acquisition of submarginal lands and their use for such public purposes as the President shall prescribe.

In carrying out the provisions of this section, the President is authorized:

(a) To make contracts and grants; and

(b) To acquire, by purchase, any real property or any interest therein (with or without reservations) in accordance with the policy herein set forth.

EXHIBIT G—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING REORGANIZATION PLAN NO. 1 OF 1959, PREPARED IN ACCORDANCE WITH THE REORGANIZATION ACT OF 1949, AS AMENDED, AND PROVIDING FOR TRANSFER OF CERTAIN FUNCTIONS FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF AGRICULTURE

MAY 12, 1959.—Referred to the Committee on Government Operations and ordered to be printed

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1959, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for transfer of certain functions from the Secretary of the Interior to the Secretary of Agriculture.

Both the Department of Agriculture and the Department of the Interior now have responsibilities with respect to certain land or timber exchanges and land sales involving Federal lands. Also, the Department of the Interior is responsible for the use and disposal of mineral materials from acquired lands which are under the jurisdiction of the Secretary of Agriculture. By placing certain functions pertinent to these matters in the Department which administers the lands, Reorganization Plan No. 1 of 1959 will bring about simplification of the work of the two Departments relating to such matters, more expeditious and economical performance of such work, and clarification of responsibilities concerning the work.

The Exchange Act of March 20, 1922 (42 Stat. 465), as amended, authorizes the exchange of national-forest land or timber for other lands within the boundaries of the national forests. The national forests are administered by the Department of Agriculture. Under this law and the seven other land-exchange statutes cited, the Secretary of the Interior must make determinations as to whether a transaction is in the public interest, must review and accept titles, and adjudicate appeals. With exceptions indicated in the transmitted reorganization plan, including exceptions with respect to the issuance of patents to lands, the plan provides for the transfer of the functions of the Secretary of the Interior under these exchange statutes to the Secretary of Agriculture, who administers the national forests. The Secretary of the Interior also has the responsibility under the act of April 28, 1930 (46 Stat. 257) to reconvey lands under the jurisdiction of the Secretary of Agriculture not accepted in exchange transactions. These functions either are duplications of those performed by the Department of Agriculture or can be more easily performed by that Department as it administers the lands involved and has detailed information and records.

The Tongass Timber Act of August 8, 1947 (61 Stat. 920), authorizes the sale of tracts of national-forest land found reasonably necessary for the processing of timber from the Tongass National Forest. Under the act the Secretary of the Interior must appraise and sell such lands, with concurrence of the Secretary of Agriculture. The Department of Agriculture administers the land involved, has personnel on the ground, and can perform this function most expeditiously and economically.

Section 10 of the Weeks law of March 1, 1911 (36 Stat. 962), authorizes sale of small tracts of acquired national-forest land found chiefly valuable for agriculture. Under the act the Secretary of the Interior must join in the promulgation of joint regulations. Such lands are administered by the Department of Agriculture and sale of them is not related to programs of the Department of the Interior. This function can be most easily and economically performed by the Secretary of Agriculture.

Under the act of July 31, 1947 (61 Stat. 681) as amended, the Secretary of Agriculture can dispose of common varieties of sand, gravel, stone, pumice, and other materials from lands reserved from the public domain which are under his jurisdiction. With respect to these materials in acquired lands under the jurisdiction of the Secretary of Agriculture such disposal must be by the Secretary of the Interior. The reorganization plan will place in the Secretary of Agriculture the same authority in regard to such materials in acquired lands under his jurisdiction as he now exercises for other lands. Such activity most efficiently and economically can be performed by the Secretary of Agriculture in conjunction with other management activities on lands he administers.

By providing sound organizational arrangements, the taking effect of the reorganizations included in the accompanying reorganization plan will make possible more economical and expeditious administration of the affected functions. It is, however, impracticable to itemize at this time the reductions of expenditures which it is probable will be brought about by such taking effect.

After investigation, I have found and hereby declare that each reorganization included in the reorganization plan transmitted herewith is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *May 12, 1959.*



Union Calendar No. 229

86TH CONGRESS
1ST SESSION

H. RES. 295

[Report No. 586]

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1959

Mr. SMITH of Iowa submitted the following resolution; which was referred to the Committee on Government Operations

JUNE 26, 1959

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

RESOLUTION

- 1 *Resolved*, That the House does not favor the Reorgan-
- 2 ization Plan Numbered 1 of May 12, 1959, transmitted to
- 3 Congress by the President on the 12th day of May 1959.

86TH CONGRESS
1ST SESSION

H. RES. 295

[Report No. 586]

RESOLUTION

To disapprove Reorganization Plan Numbered
1 of 1959.

By Mr. SMITH of Iowa

JUNE 11, 1959

Referred to the Committee on Government Operations

JUNE 26, 1959

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of July 1, 1959
86th-1st, No. 110

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HIGHLIGHTS: House committee voted to report Smith bill to enact Reorganization Plan 1 on forest land authorities. Committee authorized to report bill on Fri., July 3. House to consider resolution disapproving Reorganization Plan 1 on Mon., July 6. Both Houses agreed to conference reports and cleared for President: Commerce appropriation bill. State-Justice appropriation bill. Senate debated mutual security authorization bill. Senate committee voted to report employee health insurance bill.

HOUSE

1. FORESTRY; REORGANIZATION. The Government Operations Committee voted to report (but did not actually report) with amendment H. R. 7681, to enact the provisions of Reorganization Plan 1 which would transfer from Interior to this Department certain authorities for the exchange or sale of forest land and timber (p. D556). The Committee was granted permission to file a report on the bill by noon, Fri., July 3 (p. 11373).

Rep. McCormack announced that H. Res. 295, providing for the disapproval of Reorganization Plan 1, will be considered Mon., July 6, but any votes on measures that day will go over to Tues., July 7 (p. 11384). Agreed to a request by Rep. Smith, Iowa, that debate on this measure will be limited to 2 hours (p. 11396).

2. COMMERCE APPROPRIATION BILL, 1960. Both Houses agreed to the conference report on this bill, H. R. 7349, and acted on amendments in disagreement (pp. 11304-6).

- 11372). The House receded and concurred in an amendment of the Senate appropriating \$30 million for forest highways, consisting of \$26,250,000, the remainder of the amount authorized to be appropriated for fiscal year 1959, and \$3,750,000, the amount authorized to be appropriated for fiscal year 1960 (p. 11372). This bill will now be sent to the President.
3. STATE-JUSTICE APPROPRIATION BILL, 1960. Both Houses agreed to the conference report on this bill, H. R. 7343, and acted on amendments in disagreement (pp. 11301-3, 11371-2). This bill will now be sent to the President.
 4. FOREIGN CURRENCIES. Conferees were appointed on H. R. 5674, to authorize construction at military installations, including the use of foreign currencies under Public Law 480 for foreign military housing construction (p. 11369). Senate conferees have already been appointed.
 5. CONTRACTS. Both Houses agreed to the conference report on H. R. 7086, to extend the Renegotiation Act of 1951 for 3 years, until June 30, 1962 (pp. 11310-1, 11369-71). This bill will now be sent to the President.
 6. PUBLIC BUILDINGS. The Rules Committee reported a resolution for consideration of H. R. 7645, to provide additional authority to GSA for the construction, alteration, and acquisition of public buildings of the Federal Government. pp. 11395, 11409
 7. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 804, to authorize Interior to construct and maintain the Spokane Valley Federal reclamation project, Wash. and Ida. (H. Rept. 622). p. 11409
 8. PATENTS. The Judiciary Committee reported H. R. 4059, with amendment, to amend title 28 of the U. S. Code to protect copyrights from Government infringement (H. Rept. 624), and H. R. 2739, without amendment, to fix the fees payable to the Patent Office on patents (H. Rept. 623). p. 11409
 9. INFLATION. Rep. Schwengel discussed the danger of inflation, and stated that it "leads in only one direction -- to the destruction of our system of free competition." pp. 11396-9
 10. RESEARCH. Received a Nebr. Legislature resolution urging the establishment of a laboratory at the Univ. of Nebraska College of Agriculture "for the purpose of doing both basic and applied research on problems concerned with finding new uses and outlets for agricultural products." p. 11410
 11. WATER RIGHTS. Received an Ill. Legislature resolution favoring the preservation of State water rights. pp. 11410
 12. LEGISLATIVE PROGRAM. Rep. McCormack announced the following legislative program Mon., July 6: H. Res. 295, disapproving Reorganization Plan 1 on forestry; Consent Calendar; and S. 726, enforcement of antitrust laws; Tues. and remainder of the week: Private Calendar and H. R. 7645, granting additional authority to GSA over public buildings. p. 11384

SENATE

13. MUTUAL SECURITY. Continued debate on S. 1451, the mutual security authorization bill for 1959 (pp. 11272, 11266-7, 11306, 11309, 11312-48, 11351-62).
Agreed to an amendment by Sen. Johnson which would direct the Secretary of State to submit to Congress by Jan. 3, 1960, a specific plan for the creation of a Center for Cultural and Technical Interchange between the East and West (pp. 11312-3).

ENACTING THE PROVISIONS OF REORGANIZATION
PLAN NO. 1 OF 1959 WITH CERTAIN PROVISIONS

JULY 3, 1959.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Government Operations,
submitted the following

R E P O R T

[To accompany H.R. 7681]

The Committee on Government Operations, to whom was referred the bill (H.R. 7681) to amend the provisions of Reorganization Plan No. 1 of 1959 with certain amendments, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 4, line 20, after the word "Interior", delete the period and add
", and under regulations approved by the Secretary of the Interior
and the Secretary of Agriculture."

PURPOSE OF H.R. 7681

H.R. 7681 would enact the basic provisions of Reorganization Plan No. 1 of 1959, with certain amendments which the committee believes are needed to protect the public interest. The committee held hearings on the plan and found it subject to several serious objections. The committee also recognized that the plan would achieve several useful purposes and would contribute to the public interest if its objectionable features were eliminated. However, under the Reorganization Act of 1949, as amended (5 U.S.C. 133z), no provision is made whereby either the Congress or either House can amend the plan as such, without separate legislation. Accordingly, the committee recommended the adoption of House Resolution 295 to disapprove the plan (see H. Rept. 586, 86th Cong.), and also recommends adoption of the bill (H.R. 7681), as amended, which would enact the beneficial features of the plan, together with the amendments to the plan which the committee believes are essential to safeguard the public interest.

MAJOR PROVISIONS OF THE REORGANIZATION PLAN

The principal effects of Reorganization Plan No. 1 of 1959, as transmitted by the President, would be as follows:

(1) It would transfer to the Secretary of Agriculture all the functions of the Secretary of the Interior in making exchanges of public national forest lands for private lands and in making sales of such lands, except the purely ministerial function of issuing patents or conveyances for such land.

(2) It would transfer to the Secretary of Agriculture all the functions of the Secretary of the Interior in selling certain mineral materials on acquired national forest land.

(3) It would specifically authorize the Secretary of Agriculture to redelegate the functions transferred to him by the plan to any officer or employee of the Agriculture Department pursuant to section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633).

OBJECTIONS TO REORGANIZATION PLAN NO. 1 OF 1959

(The objections to the plan can be summarized as follows:)

1. The plan would vest in the Secretary of Agriculture unfettered power, when consummating an exchange, to dispose of valuable mineral resources of the United States, including oil, gas, coal, and other leasable minerals, as well as copper, gold, silver, and other metalliferous minerals, without any check whatsoever with the Interior Department or any review by its technical agencies. The Interior Department has the primary responsibility for surveying and protecting the mineral assets of the United States, and its agencies are the primary repositories of information regarding them.

2. In taking away from the Secretary of the Interior the power to apply the national mineral policies to lands involved in forest exchanges, the plan would destroy a system designed to separate the administration of the surface and of the minerals and certain other aspects of public lands reserved in national forests. This system was carefully worked out and developed in the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), and generally adhered to in legislation and practice since that date. Only minor responsibilities for the administration or disposition of the mineral aspects of public or acquired lands have been given to the Secretary of Agriculture without reference to the Secretary of the Interior, such as the disposition from reserved public lands of common varieties of mineral materials under the Materials Act of July 23, 1955 (30 U.S.C. 601 et seq.); and the exchange of acquired lands, including mineral interests therein, under the Weeks Act (16 U.S.C. 516 et seq.)

3. Evidence presented to the committee showed that in 21 percent of the public land forest exchanges in the last 5 years (26 out of 120), the minerals in the forest lands were reserved for the United States on the basis of information supplied by the Interior Department. It was also shown that in 10 percent of the exchanges (12 out of 120), the Agriculture Department had not contemplated such a reservation in approving the exchange and that the reservations were added solely as the result of review by the Interior Department. Hence it is clear that the mineral functions heretofore performed by the Secretary of the Interior, proposed to be transferred to the Secretary of Agriculture,

have been a very significant factor in protecting the public interest in minerals owned by the United States. This protective factor would be largely discarded by the plan.

4. The plan would open the possibility of considerable procedural confusion in determining the validity of mining claims on national forest lands.

5. From a practical standpoint, as the plan is worded, it is virtually impossible to determine with certainty which "mineral materials" the Secretary of Agriculture will be authorized to sell under section 1(1) of the plan. Such authority might be construed to include sales of valuable metalliferous and nonmetalliferous minerals, contrary to the apparent intent of the drafters of the plan.

6. The plan would make the functions transferred to the Secretary of Agriculture subject to the redelegation authority of section 4(a) of Reorganization Plan No. 2 of 1953, but omits the public notice safeguards of section 4(b) of the 1953 plan.

7. The plan would at best cause only minor savings and would involve only 30 cases a year (out of over 150,000 processed by the Bureau of Land Management of the Interior Department). The benefits to be gained from the plan are far outweighed by the disadvantages described above.

8. The good features of the plan can be secured and the public interest can be adequately safeguarded by the provisions of H.R. 7681.

The foregoing objections are set forth in greater detail in an excerpt from House Report 586, 86th Congress (pp. 5-12) which appears below in appendix 1 of this report.

WHAT THE BILL WILL ATTAIN

The bill would enact the positive and beneficial features of the plan, which are set forth in sections 1 and 2 of the plan. In addition, the bill makes several amendments to the plan. These amendments would (1) insure that the Secretary of the Interior would continue to have responsibility and functions with respect to minerals; (2) insure that the Secretary of Agriculture would not assume the function of determining or adjudicating the validity of mining claims which conflict with forest exchange or sale applications; (3) insure that the Secretary of Agriculture would not, under the Materials Act, dispose of minerals subject to the mineral leasing or mining laws; and (4) omit a reference in the President's plan which permits a broad and unlimited delegation and which does so free of any obligation to provide advance public notice and opportunity for the public to comment on the proposed delegation.

The committee believes that the enactment of the bill will eliminate duplication of work on such matters as approval of legal titles, processing of papers through the land office, publication of notices of pending exchanges, cross-checking between the departments on the status of cases being processed, and in other respects. The bill will also remove inconveniences to the public which have resulted from the fact that persons wishing to make exchanges or to purchase certain lands or certain common mineral materials on forest lands must deal with two offices—one in the Agriculture Department and one in the Interior Department. Under the bill all dealings by the public on the subjects covered would be solely with the Forest Service of the Department of

Agriculture. Any cross-checking that may be required can be accomplished by the Forest Service at the same time it is processing other phases of the transaction and thus all delays now found in the relationship of the two departments can be avoided.

COMPARISON BETWEEN H.R. 7681 AND REORGANIZATION PLAN NO. 1 OF 1959

I. The bill and the plan are alike in the following respects:

1. Section 1 of the bill is identical with section 1 of the plan. This section transfers to the Secretary of Agriculture the following authority of the Secretary of the Interior: (a) to deal with exchanges of private lands for national forest lands; (b) to issue certain quitclaim deeds where exchanges are not consummated; (c) to sell certain lands in national forests; and (d) to dispose, under the Materials Act of 1947, as amended (30 U.S.C. 601 et seq.), of mineral materials in acquired lands in the national forests.

2. Section 2(d) of the bill combines, without substantial change, the provisions of sections 2(a) and 2(c) of the plan. These provisions authorize the Secretary of the Interior to issue patents when the Secretary of Agriculture has approved a forest exchange or sale.

3. Section 2(e) of the bill is identical with section 2(b) of the plan. This provision authorizes the Secretary of the Interior to make conveyances of forest lands in Minnesota when the Secretary of Agriculture approves the exchange.

II. The bill differs from the plan in the following respects:

1. Under the plan, the Secretary of the Interior would have only the ministerial functions of issuing patents and deeds of conveyance when the Secretary of Agriculture approves the exchange or sale of national forest lands. Section 2(a) of the bill would require the Secretary of the Interior to participate in and approve determinations involving (i) whether lands are mineral or nonmineral in character, (ii) whether or not minerals shall be reserved to the United States, and (iii) the value of mineral rights in land; and, as amended by the committee, the bill further requires that any regulations made concerning the matters covered by section 2(a) must be approved by the Secretary of the Interior and the Secretary of Agriculture.

2. At the hearings on the plan, all witnesses (including those of Agriculture, Interior, and Budget Bureau) stated that the plan was not intended to transfer to the Secretary of Agriculture the authority to determine or adjudicate the validity or invalidity of mining claims in case of a conflict with a forest exchange or sale application. In order to avoid the implication which might flow from the language of the plan purporting to transfer *all* functions with respect to the exchanges and sales specified in section 1 of the plan, section 2(b) of the bill would put into statutory language the intention stated by the departmental witnesses.

3. At the hearings on the plan, the departmental witnesses stated that section 1(1) of the plan was intended to transfer to the Secretary of Agriculture only the authority to dispose of sand, stone, gravel, pumice, pumicite, cinders, and clay on acquired lands. However, they admitted that the language of section 1(1) of the plan was such as to raise a legal question, which might require submission to the departmental legal officers, as to whether it might include authority

to dispose of minerals of the types normally subject to the mining laws when situated on public lands. Section 2(c) of the bill would eliminate this doubt by making it clear that no such authority would be transferred.

4. Section 3 of the plan is omitted from the bill. This section would authorize the Secretary of Agriculture to delegate to anyone in the Department, under section 4(a) of the Reorganization Plan of 1953, any authority transferred under the 1959 plan. However, this section does not refer to section 4(b) of the 1953 plan which requires the Secretary of Agriculture, when making delegations of major functions, to provide advance public notice thereof and opportunity for interested persons to comment thereon. It appears, from testimony at the hearing, that section 3 was not in the plan when initially drafted because it was thought that the Secretary of Agriculture would have power to delegate functions without a specific reference to the 1953 plan. The reference to the 1953 plan, which was apparently inserted in the present plan only after the draft was reviewed in the Budget Bureau, however, is only to section 4(a), and the Budget Bureau witness specifically said that section 4(b) would not apply. The omission from the bill of section 3 of the plan would not preclude delegation by the Secretary of Agriculture of the authority he could otherwise delegate pursuant to his existing authority. However, it would prevent his making delegations under section 4(a) of the 1953 plan without complying with the applicable provisions of section 4(b) of the 1953 plan. The committee believes that the functions which would be transferred from the Secretary of the Interior to the Secretary of Agriculture under section 1 of the bill would be major functions within the meaning of section 4(b) of the 1953 Reorganization Plan.

THE AGENCY OBJECTIONS TO THE BILL ARE UNSUBSTANTIAL AND
EVANESCENT

The reports by the Bureau of the Budget, the Department of Agriculture, and the Department of the Interior on H.R. 7681 are printed as appendixes 2, 3, and 4. Although they are adverse to the bill, they object only to section 2(a) thereof. They do not object to subsections (b) and (c) of section 2 which the bill added to the language of the plan, nor do they object to the omission from the bill of section 3 which was in the plan.

Upon careful consideration of the agency reports the committee believes that the objections raised by the agencies against section 2(a) of the bill are evanescent and without substantial merit.

The Department of the Interior suggests merely that it is not necessary to enact—

a statutory requirement that the Secretary of the Interior participate formally in determinations.

However, the Department's suggestion is explicitly based on an—
 assumption that, even without this requirement, the Secretary of Agriculture would call upon the Secretary of the Interior for any necessary information.

The committee, however, believes that to rest statutory responsibilities merely upon "assumption" would undermine the statutory pro-

tection which Congress intended for the protection and conservation of the mineral resources of the United States.

The Bureau of the Budget's assertion that section 2(a) of the bill would "very substantially qualify the transfer of functions in respect to the reservation of minerals and the disposal of common mineral materials" indicates an unfortunate confusion as to the effect of section 2(a) of the bill. This section deals only with specific subsections, namely, subsections (a) through (h), and (j) and (k), of section 1. These subsections apply only to exchanges and sales of forest lands. They have nothing to do with the disposal of common mineral materials which are governed by section 1(l) of the bill. Moreover, although the provision in section 2(a) of the bill concerning the reservation of minerals in connection with exchanges or sales does qualify the complete transfer of functions which section 1 would otherwise accomplish, it does so in order to continue the effective participation of the Secretary of the Interior in determining whether minerals should be reserved in order to protect the public interest.

Nor is there discernible merit in the assertion by the Budget Bureau and the Department of Agriculture that section 2(a) somehow transfers to the Secretary of the Interior "functions now vested in the Secretary of Agriculture." The Budget Bureau does not indicate what functions would be so transferred, while the Acting Secretary of Agriculture asserts merely that under the statutes referred to in subsections (a) through (e) and (g) of section 1, the responsibility for the determination of the values of the lands involved in the exchanges rests only upon the Secretary of Agriculture and not on the Secretary of the Interior, and therefore that section 2(a) transfers that function from Agriculture to Interior. However, such a contention is erroneous. Section 2(a) does not transfer any function from the Secretary of Agriculture to the Secretary of the Interior. Under the bill, as under existing law, the Secretary of Agriculture determines the value of the land, including minerals. The bill recognizes that each of the statutes mentioned in section 1 confers upon the Secretary of the Interior "discretion" to approve or not to approve the exchange. A determination by the Secretary of Agriculture concerning the values involved in the exchange could not under those statutes deprive the Secretary of the Interior of his discretion to disapprove an exchange if he cannot in good conscience accept the values determined by the Secretary of Agriculture. The Secretary of the Interior has in the past exercised his discretion to refuse to approve exchanges in such circumstances. Similarly, the Secretary of the Interior has an equally broad discretion concerning the content of the regulations he can approve under section 10 of the act of March 1, 1911, which is referred to in subsection (k) of section 1.

In any event, section 2(a) of the bill does not shift to the Secretary of the Interior the authority of the Secretary of Agriculture with respect to determining the total value of the properties involved in the exchange. It only authorizes the Secretary of the Interior to participate in and approve of the determination of the mineral values, the subject of which has traditionally been primarily within his jurisdiction. This obviously is not equivalent to determining all the values of the property including those pertaining to minerals, surface rights, water, timber, improvements, etc. Thus, section 2(a) of the

bill simply continues the present state of the law with respect to the question of determining the mineral values.

The Agriculture Department's argument against section 2(a), on the ground that it would authorize exchanges without reservation of minerals even though the lands are known to be valuable for minerals, is based wholly on an assumption that the General Forest Exchange Act of March 20, 1922 (16 U.S.C. 485, 486) requires reservation to the United States of all known minerals in the forest lands. However, neither the Department of Agriculture nor the Department of the Interior was able to furnish any legal opinions or rulings to this effect. On the other hand, a representative of the Interior Department testified that section 8(d) of the Taylor Grazing Act (43 U.S.C. 315g(d)) which provides, as does the General Forest Exchange Act (16 U.S.C. 486) that "either party to an exchange * * * may make reservations of minerals * * *," has been construed to permit the reservation of minerals or not, as the Secretary may decide to be in the public interest; and the Department has, in fact, made exchanges without reservation of the minerals in selected public lands known to be mineral in character where the Secretary of the Interior determined that the public interests would be served by such exchanges.

Furthermore, it is clear, both from the language of the General Forest Exchange Act of 1922, as amended, and from its legislative history, that Congress intended to make the reservation of known minerals in forest lands discretionary rather than mandatory. The General Forest Exchange Act was amended on February 28, 1925 (43 Stat. 1090; 16 U.S.C. sec. 486), to provide that "either party to an exchange * * * may make reservations of * * * minerals * * *." Such language is clearly discretionary. Under this provision both the United States and the private party "may make reservations of * * * minerals," and neither is compelled to do so. Indeed there may be occasions when it obviously would be in the Government's interest to effectuate exchanges on the basis of equal values even though the selected forest lands may contain some known minerals.

Moreover, the House and Senate reports on the 1925 amendment (H. Rept. 1176 and S. Rept. 1086, 68th Cong., 2d sess.) show that Congress intentionally enacted this clearly discretionary language of the statute. The reports set forth the joint letter of the Secretaries of the Interior and of Agriculture, at whose request the amendment was enacted. Their letter stated the need for the amendment as follows:

DEAR MR. SINNOTT: In the actual administration of the forest exchange act of March 20, 1922 (42 Stat. 465), a practical difficulty has been encountered where it appears in the public interest to acquire land with outstanding reservations, like easements, or the right to remove timber for a limited period, or minerals; and in other instances where it appears to be in the public interest to give in exchange certain land but to retain to the Government for other disposition the minerals in the tract.

* * * * *

After fully considering the subject we have concluded that this situation should be brought to your attention, so that

the committee may consider whether it desires to recommend to Congress that legislation be enacted whereby lands may be acquired as well as disposed of with the reservation of certain rights as herein described, *in the discretion of the executive officers charged by Congress with making the exchanges.* There is transmitted herewith a suggested draft of a bill which it is believed, if enacted, would accomplish these purposes. It is our judgment that such legislation would be in the public interest. *It is legislation which, if enacted, should not and would not need to be applied in the ordinary or usual exchange for forest purposes, which would still continue to be made on a fee-simple basis.* The authority to make an exchange with reservations need only be exercised when it is clear that the public interest will be served by the acquisition of lands essential to the good administration of the forests as a whole, but which could not be secured at all except with some restriction as to title. Legislation such as we have suggested for your consideration also would protect the Government when it desired to offer land in exchange when it would not be in the public interest to offer the same unless some reservations to the Government could be made and were authorized by law. [Italics added.]

In any event, the bill does not purport, and is not intended, to change in any way the law with respect to whether or not discretion exists in the reservation of minerals. The bill merely preserves in the Secretary of the Interior whatever authority he now has on this question.

Moreover, the Secretary of the Interior and the Secretary of Agriculture would have full power under section 2(a) of the bill to protect the interests of the United States by reserving minerals in any exchange where minerals are known to exist on selected lands.

H.R. 7681 herewith reported does not amend any statute or part thereof and hence an application of House rule XIII, paragraph 3, is not required or possible. However, in order better to facilitate an understanding of the bill there is included, as appendixes 6 and 7 to this report, the text of all the statutes referred to in the bill and in the plan for which H.R. 7681 is a substitute.

MINORITY VIEWS

The minority opposes the enactment of H.R. 7681 in its present form and without proper hearings. Following is a statement bearing thereon.

GENERAL SETTING

On May 12, 1959, the President transmitted to the Congress Reorganization Plan No. 1 of 1959 pursuant to the provisions of the Reorganization Act of 1949, as amended; a reorganization plan takes effect 60 days after its transmittal to the Congress, as provided in the act, unless the plan is disapproved pursuant to the Act.

In laying Reorganization Plan No. 1 of 1959 before the Congress, the President proceeded in consonance with the Reorganization Act of 1949, as amended. Ordinarily it would be expected that the Congress would dispose of a reorganization plan in one of two ways and stop there. That is, the Congress would allow the reorganization plan to become effective by abstaining from disapproving the plan, or it would prevent the plan from becoming effective by adopting a resolution of disapproval.

In the present instance, however, the majority is attempting to follow another procedure of an unusual nature and out of keeping with the provisions of the Reorganization Act of 1949, as amended. That procedure consists of rejecting the reorganization plan and offering a bill, H.R. 7681, purporting to enact the provisions of the reorganization plan with amendments.

The minority believes that proper action would have been to support the President's reorganization plan, the effect of which would be to eliminate a certain amount of redtape in the Departments of Agriculture and Interior. H.R. 7681, in contrast, would simply saddle those Departments with more, and a different shade of, redtape.

NATURE OF PROPOSED REORGANIZATION

Both H.R. 7681 and Reorganization Plan No. 1 of 1959 have been designed to transfer certain relatively minor responsibilities from the Secretary of the Interior to the Secretary of Agriculture. In principal part those responsibilities concern the exchange of national forest lands or timber for non-Federal lands within or adjoining national forests under specified laws. The lands and timber involved are otherwise administered by the Secretary of Agriculture. Yet the responsibility for accomplishing the land exchanges is divided between the Secretary of Agriculture and the Secretary of the Interior in such manner that both the Department of Agriculture and the Department of the Interior must do extensive work, and, in part, the same work, in order to accomplish an exchange. Moreover, the private party or State government involved in an exchange transaction will frequently find

it necessary to do business with both Departments on a single exchange and to accept delays consequent on divided responsibility.

To remedy this situation, the reorganization plan and H.R. 7681 have both been designed (1) to transfer pertinent functions of the Secretary of the Interior to the Secretary of Agriculture and (2) to leave with the Secretary of the Interior the duty of issuing patents to U.S. lands exchanged by the Government. To that extent agreement appears to exist on all sides. It is only with respect to the exact scope of the functions of the Secretary of the Interior to be transferred to the Secretary of Agriculture that disagreement is reflected in the differences existing between H.R. 7681 and the reorganization plan.

SIMILARITIES OF H.R. 7681 AND REORGANIZATION PLAN NO. 1 OF 1959

In its report the majority has outlined the similarities of, and the differences between, H.R. 7681 and the reorganization plan. As is there indicated, sections 1, 2(d), and 2(e) of the bill are the same or substantially the same as sections 1 and 2 of the reorganization plan. It follows that the differences between H.R. 7681 and the reorganization plan, ostensible or actual, are in respect of sections 2 (a), (b), and (c) of the bill and section 3 of the reorganization plan. Accordingly, there follow comments as to the nature of the differences reflected by those items.

Section 2(b) of bill.—Section 2(b) of the bill constitutes a direction with respect to interpretation. The interpretation of the reorganization plan, without a provision corresponding to section 2(b) of the bill, would be the same as the interpretation of the bill, including section 2(b). While section 2(b) states no objectionable proposition, it is unnecessary. There is no necessity for substituting H.R. 7681 for Reorganization Plan No. 1 for the purpose of incorporating section 2(b).

Section 2(c) of bill.—The comment made above with respect to section 2(b) of the bill applies equally in the case of section 2(c) of the bill.

Section 3 of reorganization plan.—H.R. 7681 is silent as to delegation by the Secretary of Agriculture, whereas section 3 of the reorganization plan makes the functions transferred to the Secretary of Agriculture by the plan subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633). The majority report points out that section 4 of Reorganization Plan No. 2 of 1953 will apply to the functions transferred to the Secretary of Agriculture by H.R. 7681. The majority particularly stresses that section 4(b) of the 1953 reorganization plan will be applicable to functions transferred by the bill. It is quite true that section 4 of Reorganization Plan No. 2 of 1953 will be applicable to the functions transferred by the Secretary of Agriculture by H.R. 7681. As a practical matter, however, the representations by the majority that section 4(b) of the 1953 plan will govern the functions transferred by H.R. 7681, and that, accordingly, there is a difference between H.R. 7681 and the reorganization plan in point of delegating authority, is erroneous. The error comes about in consequence of the fact that the transferred functions cannot be considered to constitute, in contemplation of section 4(b), "major functions or major groups of functions."

Section 2(a) of H.R. 7681.—As the foregoing indicates, the omission from H.R. 7681 of section 3 of the reorganization plan and the inclusion of sections 2(b) and 2(c) in H.R. 7681 are without practical significance as far as the meaning of the bill is concerned; they represent mere quibbles. There remains for consideration section 2(a) of H.R. 7681.

Section 2(a) of the bill, as reported, reads as follows:

SEC. 2. (a) In each case covered by subsections (a) through (h) and (j) and (k) of section 1 hereof, every determination, decision or exercise of discretion with respect to (i) whether or not lands are mineral or nonmineral in character, (ii) whether or not minerals shall be reserved to the United States, or (iii) the value of mineral rights in land, shall be made only with the participation and approval of the Secretary of the Interior, and under regulations approved by the Secretary of the Interior and the Secretary of Agriculture. In exercising his authority under this subsection, the Secretary of the Interior shall be guided by the policies expressed in the laws, regulations, and decisions relating to minerals under his jurisdiction.

Section 2(a) of H.R. 7681 aside, the bill (and also the reorganization plan) provides for the transfer of described functions from the Secretary of the Interior to the Secretary of Agriculture, leaving the former with only the nondiscretionary duty of issuing patents to U.S. lands exchanged or sold by the Secretary of Agriculture. Section 2(a) of H.R. 7681, however, introduces important limitations. This point may be illustrated by the following:

Under the reorganization plan the Secretary of Agriculture, in giving U.S. lands in exchange, could where applicable either reserve or not reserve minerals, in his own discretion. In cases wherein he reserves minerals, section 2(a) of the bill would not only necessitate that the matter be presented to the Secretary of the Interior and add unnecessary and inefficient steps; the Secretary of Agriculture could not make the reservation if the Secretary of the Interior should see fit to object to it. Further, section 2(a) would transfer to the Secretary of the Interior the function, now vested by law in the Secretary of Agriculture, of determining values of exchanged property insofar as minerals are concerned. Here the majority is dissatisfied not only with the reorganization plan but also with existing law. Further, while the Secretary of the Interior now has no duties, expressed in terms, as to minerals in the privately owned, State-owned, or county-owned lands offered to the Federal Government, section 2(a) of the bill would involve the Secretary of the Interior in those aspects of exchanges.

The foregoing could be elaborated by citing other faults and by pointing out respects in which section 2(a) consists of substantive legislation. Suffice it here to refer to the letters of the Departments of Agriculture and Interior, and the Bureau of the Budget, which are printed in the report on H.R. 7681. The majority report only questions, but fails to disprove, the criticisms advanced in those letters.

CONCLUSION

The issue before the House is not the procedural one of whether a bill should be substituted for a reorganization plan. The real issue is whether enactment of H.R. 7681 would bring about any improvement over existing arrangements. We are frank to say that H.R. 7681, so long as it contains section 2(a), so far dilutes and muddles the bill as to make H.R. 7681 a measure which, if enacted, would seem to require arrangements worse than those imposed by present law.

The original objective should be kept in view. There is given a situation involving divided responsibility and administration, and a pattern necessarily entailing inefficiency, delays, and inconvenience. The President has sought to remedy the matter by presenting a reorganization plan. The majority seeks to impose its own new brand of divided administration.

We have experienced great difficulty in trying to find out the real, as distinct from the asserted, purpose of the majority in attempting to substitute H.R. 7681 for Reorganization Plan No. 1. It seems possible that further hearings might indicate that H.R. 7681 could be made an acceptable bill by the substitution of something like the following text for the present section 2(a):

SEC. 2(a). In no case covered by subsections (a), (b), (e), (g), and (h) of section 1 hereof shall the exchange provide for the patenting of land by the United States without a reservation of minerals unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that the land is nonmineral in character. A sale of land covered by subsection (j) of section 1 hereof shall be made by the Secretary of Agriculture without a reservation of minerals only after consultation with, and the advice of, the Secretary of the Interior.

We are not prepared at this time, however, to recommend favorable House action on H.R. 7681 in any form, because of the unusual manner in which this bill was handled by the majority of the Committee on Government Operations. At a meeting of the full committee on June 24, 1959, it was proposed that H.R. 7681 be reported with the recommendation that the bill do pass.

The minority members of the committee objected to reporting out H.R. 7681 because the bill had received insufficient consideration, *no hearings whatever having been held with respect to it*. Action on the bill was then postponed with the understanding that a subcommittee would call before it the executive branch officials concerned and conduct hearings to determine whether it would be possible to agree upon amendments which would make H.R. 7681 acceptable all around.

On July 1 the committee proceeded to vote out the bill, no hearings having been held on it. It was represented that the interested Government agencies—the Department of the Interior, Department of Agriculture, and the Bureau of the Budget—had declined the opportunity to be heard.

The minority has made informal inquiry concerning this matter of the three agencies involved and has been unable to ascertain that any of those agencies received any invitation or request, written or other-

wise, to appear before the committee or subcommittee between June 24 and July 1, 1959.

We are strongly of the opinion that reporting a bill first and then considering amendments afterward is an irresponsible way to legislate. We believe that any legislative measure should be perfected as nearly as possible by the committee having jurisdiction over it before it is presented to the House for consideration. H.R. 7681 should be re-committed to the Committee on Government Operations for hearings.

CLARENCE J. BROWN,

ROBERT R. BARRY,

Minority Members,

Executive and Legislative Reorganization Subcommittee.

(Lack of time prevented the submission of these views to other minority members of the full committee.)

ADDITIONAL VIEWS OF HON. JOE HOLT

H.R. 7681, according to its proponents, would enact the positive and beneficial features of Reorganization Plan No. 1 of 1959 together with certain amendments "essential to safeguard the public interest."

This may be true; however, the objections raised by the agencies concerned are at least sufficient to indicate the desirability of hearings on the bill. No hearings have been held on H.R. 7681.

The undersigned insists on knowing the facts before committing himself on this legislation.

JOE HOLT.

APPENDIXES

- Appendix 1—Excerpts from House Report No. 586, 86th Congress.
- Appendix 2—Letter from Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget, to Hon. William L. Dawson, June 22, 1959.
- Appendix 3—Letter from True D. Morse, Acting Secretary of Agriculture, to Hon. William L. Dawson, June 19, 1959.
- Appendix 4—Letter from Elmer F. Bennett, Undersecretary of the Department of the Interior, to Hon. William L. Dawson, June 23, 1959.
- Appendix 5—House Document No. 140, 86th Congress—Message from the President of the United States, transmitting Reorganization Plan No. 1 of 1959, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for transfer of certain functions from the Secretary of the Interior to the Secretary of Agriculture.
- Appendix 6—Compilation of statutes and reorganization plans referred to in Reorganization Plan No. 1 of 1959.
- Appendix 7—Compilation of statutes cited in section 402 of Reorganization Plan No. 3 of 1946 referred to in Reorganization Plan No. 1 of 1959.

OBJECTIONS TO THE PLAN

1. The plan fails to provide for the protection and conservation of valuable minerals owned by the United States

The Secretary of the Interior is the official primarily concerned with the administration, conservation, and disposal of the mineral resources owned by the United States. His jurisdiction includes the mineral leasing laws and the mining laws. The Department of the Interior is the primary repository of knowledge and information regarding these mineral resources. The employees of the Department, particularly those in the Geological Survey, the Bureau of Land Management, and the Bureau of Mines, have the technical competence needed to carry out the Department's broad responsibilities with respect to minerals. The Secretary of the Interior has had jurisdiction over the minerals in public land national forests since those forests were established. The Secretary of the Interior has had jurisdiction over the minerals in public land national forests since their inception, except that since the act of July 23, 1955 (16 U.S.C. 601 et seq.), the Secretary of Agriculture has had authority to dispose of mineral materials such as the common varieties of sand, gravel, stone, pumice, pumicite, cinders, and clay, on lands under his jurisdiction reserved from the public domain. This responsibility of the Secretary of the Interior over mineral matters has been recognized in the laws governing the public land national forests, including the laws applicable to the exchange of such lands. See act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472); 33 Land Dec. 609, 610 (1905); 34 Land Dec. 64 (1905); 26 Ops. Atty. Gen. 269 (1907); 38 Land Dec. 59, 62 (1908); 29 Ops. Atty. Gen. 303, 304 (1912); 206 Fed. 755, 761 (1913); Interior Solicitor's Opinion M. 31021 (February 20, 1941); 40 Ops. Atty. Gen. 260 (1942).

On the other hand, the Department of Agriculture, through the Forest Service, has been responsible for the sound administration of the timber and other surface resources of the national forests and for limited activities with respect to minerals under the act of July 23, 1955, *supra*. While it does have some mineral examiners, the Forest Service has been charged with only limited responsibility for the administration of minerals on the forests affected by the plan. The Forest Service mineral examiners merely gather preliminary information for presentation to the Interior Department for decision in mining claim contests. The Forest Service examiners do not deal with such minerals as oil, gas, coal, sodium, phosphate, potassium, or sulfur, the so-called "leasable minerals." Only the Interior Department now deals with those minerals.

Reorganization Plan No. 1 of 1959 would, for practical purposes, take away from the Secretary of the Interior the power to apply the national mineral policies to the lands involved in the exchanges or sales. He will retain only the ministerial duty of issuing patents for the lands after the Secretary of Agriculture has arranged for their dis-

posal, and will have no discretion or authority to modify or reject any exchange or sale approved by the Secretary of Agriculture. In fact, under the plan, the Secretary of the Interior very likely might not even know of the transaction until all action except the purely ministerial formality of issuing a patent has been completed. Consequently, he will not be able to have any influence with respect to the minerals contained in the land nor to require that they be reserved to the United States.

Mr. William F. Finan, Assistant Director for Management and Organization of the Bureau of the Budget, testified on this subject as follows:

Mr. LANIGAN. So it does affect the power to make mineral reservations in this type of transaction on any of the hundred million or more acres under public land national forest.

Mr. FINAN. Yes, as far as these particular types of transactions that are called for under these particular acts, yes.

Mr. LANIGAN. Under this plan does the Secretary of the Interior have any power to insist upon a mineral reservation if an exchange is presented to him by the Department of Agriculture for issuance of patent?

Mr. FINAN. Not if the exchange is to be administered under these acts, I would say probably not. In fact, I would say not and drop the "probably."

Mr. LANIGAN. Is there any requirement in the plan that any of these cases be referred to the Geological Survey for the determination of oil and gas possibilities in the land to be exchanged?

Mr. FINAN. I would say there is neither a greater nor a lesser requirement than that be done as a result of this plan unless the situation is bad.

Mr. LANIGAN. I just asked, is the Secretary of Agriculture required to check with the Geological Survey?

Mr. FINAN. No, neither is the Secretary of the Interior. He does it, I assume, out of an abundance of caution. I would assume that the Secretary of Agriculture's caution——

Chairman DAWSON. Isn't that out of an abundance of his responsibility to protect minerals? Isn't it important to you that he is responsible for preserving the Government's rights in oil, gas, gold, and other minerals?

Mr. FINAN. Mr. Chairman, at the moment, of course, he shares responsibility with the Secretary of Agriculture in these matters.

Chairman DAWSON. He not only shares it, but he looks after that end and several times he has asked the Department of Agriculture to make mineral reservations in the transfers.

Mr. FINAN. The immediately preceding witness before me indicated that the manner in which the Interior Department presented that probably gave a misleading impression. It was probably just that the step in the procedure that is currently involved produced statistics of the kind that you saw.

Chairman DAWSON. Don't you think that the interests of the Secretary of the Interior in the minerals in public land is greater than that of the Secretary of Agriculture because of

the responsibility that had been placed upon him by the Congress?

Mr. FINAN. Mr. Chairman, the Secretary of Agriculture on the taking effect of this plan would have a responsibility——

Chairman DAWSON. But he is not charged with the responsibility of looking after the mineral interests?

Mr. FINAN. He is charged under most of these acts in very specific terms with concerning himself with the public interest. He is also concerned in connection with any exchanges of assuming responsibility of seeing that there is a fair value exchange involved.

Obviously, if you get into the question of minerals or the possibility of valuable minerals, this is going to be a major issue in what the relative values of these exchanges are.

Chairman DAWSON. It is not so much the relative value. It is just when a man is accustomed to looking after a certain given field, his mind reacts to that. He makes his geological survey and so forth before he does these other things, while that hasn't been the responsibility of the Department of Agriculture to protect the minerals to that extent.

Mr. FINAN. To the extent it hasn't, Mr. Chairman, that is the result of the provisions in existing law in these various matters that require him to share his responsibility in one way or another with the Secretary of the Interior.

An examination of the flow charts submitted in connection with the plan shows that under present procedures for processing exchange applications the Bureau of Land Management uniformly refers the applications to the Geological Survey for a mineral report. In marked contrast, the flow charts for the proposed new procedures to be followed in the Department of Agriculture did not provide for any check with the Geological Survey as to the mineral nature of the land.

In the text of its report, the Department of Agriculture indicated that a mineral examiner would inspect the selected land only "if there is evident mineralization or mineral activity in the area." Moreover, the Department's statement indicated that the determination of mineralized areas would be made "either by the Geological Survey * * * or by mineral examiners of the Forest Service." Thus, there is doubt as to whether the Geological Survey's fund of knowledge would be utilized.

The significance of this omission can be realized from the fact that of the 32 forest exchange cases processed in the last 5 years with mineral reservations for the benefit of the United States, 26 of these reservations were made on the basis of reports and statements by the Geological Survey. In 12 of these 26 cases the Department of the Interior had to take the initiative in securing the reservation on the basis of Geological Survey data, because "the Agriculture Department had not contemplated such a reservation in their proposal." These 32 forest exchange cases constituted 26.6 percent of the total of 120 forest exchange applications processed in the past 5 years. Thus it can be seen that failure to have the Interior Department participate in the exchanges may result in considerable mineral wealth being inadvertently turned over to the private operators without any compensation to the United States therefor.

At the hearing on the plan, an Agriculture Department witness, Mr. Fred W. Grover, Director, Division of Land Classification of the Forest Service, said he thought the Agriculture Department "probably" would check with Interior in all forest exchange cases involving public lands. Mr. Grover testified:

Mr. INDRITZ. I direct your attention to the Interior Department flow chart, appendix 1, step 6, which indicates that all applications for exchange are uniformly referred to the Geological Survey for a mineral report.

Mr. GROVER. That is right.

Mr. INDRITZ. Could you show me in the Agriculture Department's proposed flow chart, exhibit 3, where under the new procedure would there be a check with the Geological Survey as to the mineral nature of the land?

Mr. GROVER. No, sir; I cannot; but I can assure you we would expect to make such a check.

Mr. INDRITZ. Do you mean you would modify your procedure as shown on exhibit 3, which is the proposed flow chart?

Mr. GROVER. We would if it was necessary to obtain expert mineral advice, we would do so; yes, sir.

Mr. INDRITZ. The flow chart, which is marked as exhibit 3 in the Department of Agriculture presentation, is entitled, "Showing steps taken under proposed procedures in processing land exchanged under the act of March 20, 1922." Do you say that there is nothing in this flow chart to show that the Agriculture Department would check with the Geological Survey?

Mr. GROVER. I think that is right.

Mr. INDRITZ. Do you propose to modify the flow chart, if the plan is approved, so that the Geological Survey would be requested to advise as to the mineral characteristics of the land?

Mr. GROVER. I think we would do that, yes.

Mr. INDRITZ. Would you do that in every case, or only in those cases where the forester might think there would be minerals?

Mr. GROVER. I think we would probably follow the present procedure, sir, and do it in all cases involving public domain lands.

Experience has demonstrated that reorganization plans must be judged in the light of the *powers* they transfer. Statements by subordinate employees that an agency "probably" will or will not follow some course do not in any way affect the powers conveyed. A weak statement of that nature should never be accepted as a binding commitment to remedy a defect in a plan. In fact, such a statement only serves to emphasize the defect. In this case the defect is basic. The checks and balances Congress provided to protect the mineral interests would be destroyed.

Mr. Clarence R. Bradshaw, Assistant Solicitor of the Department of the Interior, testified:

Mr. LANIGAN. Would the Secretary of Agriculture have the power to consummate an exchange under this plan with-

out making any check with the Geological Survey or the Bureau of Land Management as to mineral values?

Mr. BRADSHAW. I would guess so. There is no law requiring him to do it. However, I will repeat—I think it is in the record several times—that the Secretary of Agriculture has his own mineral experts.

Mr. LANIGAN. As to the oil and gas and coal, the Geological Survey—

Mr. BRADSHAW. It is the only agency in the Government I know of that has men who are specially trained for those particular minerals.

The committee was unable to obtain from the Departments any estimate of the values of the minerals involved in the 26 cases where mineral reservations for the United States were made on the basis of reports of the Geological Survey. However, it is the committee's understanding that large mineral values could be involved in forest exchanges. The committee believes it is against the public interest to abandon the protection of Federal mineral resources which the Congress has required ever since the national forests were established.

The General Forest Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486) authorizes—

the Secretary of the Interior in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests—

in connection with forest land exchanges, and further provides:

Either party to an exchange * * * may make reservations of timber, minerals or easements, the values of which shall be duly considered in determining the values of the exchanged lands.

This clearly would seem to require the Secretary of the Interior, in approving an exchange, to exercise discretion with respect to the reservation of minerals. While an Agriculture Department witness testified that he believed the General Forest Exchange Act, *supra*, required the Secretary of Agriculture to reserve known minerals, he later advised the committee that there has been no legal ruling to this effect. The plan does not preserve the authority of the Secretary of the Interior with respect to the minerals in lands being exchanged or sold pursuant to the plan, and the committee believes that the preservation of such authority is essential.

2. The plan would make possible considerable confusion in adjudicating the validity of mining claims on national forest land

Although all witnesses claimed there is no such intent in the plan, its wording raises a substantial possibility of confusion with respect to the adjudication of the validity of mining claims.

The plan purports to transfer to the Secretary of Agriculture *all* functions of the Secretary of the Interior "with respect to" the forest exchanges and the sales of forest lands listed in section 1 of the plan. Both the Bureau of the Budget analysis of the plan and the response of the Interior Department stated that the Secretary of Agriculture "will adjudicate any protests with respect to exchanges" of forest lands.

National forest lands are subject to mining locations and patent (40 Ops. A.G. 260). Thus, when an exchange application is filed for forest lands on which mining locations are known to have been made, the Interior Department, under the present procedure, either rejects the application or withholds action on the exchange application until the conflict is resolved by adjudicating the contest which the Forest Service files against the validity of the mining claim. The entire adjudicatory procedure is accomplished in one agency, i.e., the Department of the Interior. If the plan became effective, it seems that the mining claimant could resort to several procedures in opposing an exchange application. (a) He might file a protest with the Forest Service against the exchange application. The Forest Service, according to the agency statements mentioned above, would proceed to "adjudicate" the protest. (b) The mineral claimant might file an application in the Interior Department for a mineral patent, which would be handled and adjudicated by the Bureau of Land Management. (c) He might file both of the above proceedings simultaneously. It is possible that the two Departments might reach different conclusions as to the validity of the mining claim. Thus, it is apparent that to transfer to the Agriculture Department the function of adjudicating protests of mineral claimants against forest exchange applications could raise serious jurisdictional problems as well as difficult legal problems as to whose decision would govern.

At the hearings on the plan, the representatives of the Department of Agriculture, the Department of the Interior, and the Budget Bureau stated that despite the language of the plan purporting to transfer to the Secretary of Agriculture *all* functions "with respect to" the forest land exchanges and the sales of forest lands specified in section 1 of the plan, it was not intended to transfer to him the authority to determine or adjudicate the validity or invalidity of mining claims in case of a conflict with a forest exchange or sale application. It seems clear that the language of the plan was expressed inadequately to prevent the very situation that the witnesses said was not intended by the plan.

3. *There is much uncertainty as to what mineral materials would be involved in dispositions made under section 1(1) of the plan*

Section 1(1) of the plan transfers jurisdiction from the Secretary of the Interior to the Secretary of Agriculture to dispose of certain "mineral materials" in certain lands. From a practical standpoint it seems that it is probably impossible to determine from the plan which mineral materials will be affected by it. The Interior Department's statement indicated that only common varieties of sand, stone, gravel, pumice, pumicite, cinders, and other "common varieties" of minerals defined in the Materials Act of July 23, 1955 (30 U.S.C. 601 et seq.) will be subject to the plan. However, the law to which the plan refers authorizes the disposal of "mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay)". The Interior Department presentation takes the words, "common varieties", from their place in the parenthetical clause in the statute and places them before the words, "mineral materials", which appear before the parenthetical clause. This seems to ignore two opinions of the Interior Department's Solicitor which held that other types of minerals could be sold under the

Materials Act if they were not subject to disposal under the mining laws. Thus, on July 7, 1950, in opinion No. M-36044, the Solicitor held that *gypsum* which was not subject to mining location in the particular circumstances could be sold under the Materials Act. On January 18, 1955, in opinion M-36256, an Acting Assistant Solicitor, with the approval of the Associate Solicitor, held that reserved *tungsten* in lands of the Fort Huachuca Military Reservation whose surface had been disposed of, and subsequently reacquired by the United States, was not subject to the mining laws and therefore that the tungsten could be sold under the Materials Act.

Representatives of the Agriculture Department and of the Interior Department testified at the hearing before the committee that section 1(1) of the plan was intended to transfer to the Secretary of Agriculture only the authority to dispose of sand, stone, gravel, pumice, pumicite, cinders, and clay on the acquired lands in national forests. However, they admitted that the chief legal officers of the departments would have to rule on the questions whether the language of section 1(1) went beyond such minerals and would authorize the Secretary of Agriculture to dispose of valuable minerals such as tungsten, gold, silver, copper, and gypsum.

The committee believes that a plan which leaves so much doubt as to the nature and extent of the authority transferred should not be approved.

4. *The plan vests unlimited authority in the Secretary of Agriculture to delegate and redelegate authority; and fails to incorporate safeguards previously required by Congress*

Section 3 of the plan specifically declares that the functions transferred to the Secretary of Agriculture shall be subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953. This is the section of Reorganization Plan No. 2 of 1953 which authorizes the Secretary of Agriculture to assign and reassign the functions transferred to him to any agency or employee of the Department of Agriculture. Under this section, the Secretary of Agriculture could delegate to anyone and anywhere in the Department of Agriculture the functions of exchange or sale of forest lands, and of disposal of minerals materials, which would have been transferred by the plan.

The committee believes that the unrestricted redelegation authority conferred by the 1953 plan (and other similar plans) has proven to be too broad. In effect those plans authorized the Department heads to reorganize the Department in any way they wish without further congressional sanction and without even informing Congress of the changes. The committee believes that the wide delegation authority of the 1953 plans should not be reaffirmed in subsequent plans or legislation.

It should also be noted that the plan makes the transferred functions subject *only* to section 4(a) of Reorganization Plan No. 2 of 1953. The plan pointedly omits reference to section 4(b) of the 1953 plan which requires the Secretary of Agriculture "to the extent deemed practical" to give advance public notice of, and appropriate opportunity to the public to present views on, proposed shifts of major functions within the Department of Agriculture. The committee believes that, at the very least, it is not desirable to enlarge the power of the Secretary of Agriculture to delegate authority under

the 1953 plan without attaching thereto the limitations of section 4(b) of the 1953 plan. The testimony at the hearing before the committee indicated that the delegation section was not in the plan when initially drafted, because it was not regarded as necessary. The committee agrees with that view.

5. *The plan will result in little, if any, saving of money. Very few transactions would actually be affected.*

Despite the President's assertion that the plan will make possible more economical and expeditious administration, it seems clear that there is no prospect that the plan will significantly reduce Government expenditures. The Interior Department stated flatly "* * * there is no possibility that this Department can eliminate jobs or salaries as a consequence thereof," although some of the time saved could be applied to other essential work. The Agriculture Department stated that it did not anticipate "at this time" that additional staffing will be required, and, obviously, it expects no reduction in expenditures to result from the plan. Representatives of both Departments reaffirmed this position in their testimony before the committee.

On the other hand the committee recognizes that the plan could improve the efficiency with which the functions affected by it are carried out and that the present procedures cause unnecessary inconvenience to the public in dealing with two agencies. Consequently, the committee is now considering H.R. 7681, a bill to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments, which is intended to secure the benefits of the plan without the detriments to the public interest that are inherent in the plan as now drafted.

The committee, therefore, recommends adoption of House Resolution 295 to disapprove the plan.

APPENDIX 2—LETTER FROM PHILIP S. HUGHES, ASSISTANT DIRECTOR FOR LEGISLATIVE REFERENCE, BUREAU OF THE BUDGET, TO HON. WILLIAM L. DAWSON, JUNE 22, 1959

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 22, 1959.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of June 12, 1959, requesting my report and comment on H.R. 7681, a bill to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments.

Reorganization Plan No. 1 of 1959 was transmitted by the President to the Congress on May 12, 1959. In his message the President stated that the plan will bring about the simplification of the work of the Department of the Interior and the Department of Agriculture and permit the more expeditious and economical performance of this work. The reorganization plan is in accord with the provisions of the Reorganization Act of 1949, as amended.

H.R. 7681 would appear to make the same transfers of functions from the Secretary of the Interior to the Secretary of Agriculture as would Reorganization Plan No. 1 of 1959. However, section 2(a) of H.R. 7681, (1) would very substantially qualify the transfers of functions in respect to the reservation of minerals and the disposal of common mineral materials, (2) would transfer some functions now vested in the Secretary of Agriculture to the Secretary of the Interior, and (3) might be considered to relax present law, substantively, in relation to the reservation of minerals.

We have given consideration to all views and information adduced at the hearings held by your subcommittee. We remain persuaded that the existing division of responsibility between the Department of the Interior and the Department of Agriculture with respect to matters affected by Reorganization Plan No. 1 of 1959 is undesirable, inefficient, and inconvenient, and that the reorganization plan provides the best basis for their correction. On the other hand, we strongly fear that the enactment of H.R. 7681 would make even more complicated the now existing division of responsibilities and strongly recommend that the Congress not give it favorable consideration.

We urge that the Congress allow Reorganization Plan No. 1 of 1959 to take effect.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

APPENDIX 3—LETTER FROM TRUE D. MORSE, ACTING SECRETARY OF AGRICULTURE, TO HON. WILLIAM L. DAWSON, JUNE 19, 1959

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 19, 1959.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives.*

DEAR CONGRESSMAN DAWSON: This is in response to your request of June 12, 1959 for the report of this Department on H.R. 7681, a bill, to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments.

This Department does not favor enactment of H.R. 7681.

This bill would enact the provisions of section 1 of Reorganization Plan No. 1 of 1959 as they are set forth in the plan. It would enact substantially the provisions of section 2 of the plan with certain additional provisions and would omit the provisions of section 3 of the plan.

Reorganization Plan No. 1 of 1959 has for its purpose the elimination of the need for both the Department of the Interior and this Department to act on certain matters concerning programs of this Department. It deals with functions of the Department of the Interior in exchanges of national forest lands reserved from the public domain and timber therefrom for other lands within and near the national forests, in sales of small tracts of national forest lands, and in the disposal of sand, gravel, stone, pumice, and some other common materials from acquired national forest and other lands.

This Department strongly recommends that the reorganization plan be permitted to become effective.

Under the provisions of section 2(a) of H.R. 7681, the dual responsibilities of both the Department of the Interior and this Department with respect to the transactions that would be affected by the plan, instead of being eliminated would, to some extent, be compounded. The acts referred to in subsections (a) through (e) and (g) of section 1 of the plan place the responsibility for the determination of values upon the Secretary of Agriculture and do not place any responsibility with respect thereto upon the Secretary of the Interior. The section of the act referred to in subsection (k) of section 1 of the plan places no responsibility in the Secretary of the Interior other than that of joining with the Secretary of Agriculture in the issuance of regulations. On the other hand, section 2(a) of the bill would create in the Secretary of the Interior new dual responsibilities. We see no need for this.

With respect to exchanges under the act of March 20, 1922, as amended (16 U.S.C. 485, 486), referred to in subsection (a) of section 1 of the plan, it has been the interpretation of this Department that the minerals are required to be reserved by the United States if the selected land is known to be valuable for minerals or is potentially valuable for minerals. Under that interpretation, the United States would not convey any minerals known or believed to occur in the land. The act referred to in subsection (f) of section 1 of the plan specifies that the selected land to be patented by the United States must be nonmineral in character. The provisions of section 2(a) of H.R. 7681 apparently would authorize lands known to be valuable for minerals, or potentially valuable for minerals, to be patented in exchanges without any reservation of minerals, with the mineral values to be determined with the participation and approval of the Secretary of the Interior.

Subsections (b) and (c) of section 2 of H.R. 7681 just confirm the interpretations expressed by departmental witnesses in the hearings recently held on the plan, and therefore add nothing.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

APPENDIX 4—LETTER FROM ELMER F. BENNETT, UNDER SECRETARY OF THE DEPARTMENT OF THE INTERIOR, TO HON. WILLIAM L. DAWSON, JUNE 23, 1959

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 23, 1959.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives, Washington, D.C.*

DEAR MR. DAWSON: This is in reply to your request for the views of this Department on H.R. 7681, a bill to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments.

We recommend that H.R. 7681 not be enacted, and that the Congress allow Reorganization Plan No. 1 of 1959 to become effective.

On May 12, 1959, the President submitted to the Congress Reorganization Plan No. 1 of 1959 which is entitled "Certain land exchanges and other matters." On June 11, 1959, H. Res. 295, a resolution stating that the House of Representatives does not favor the plan, was introduced, and at the same time H.R. 7681 was introduced. Section 1 of H.R. 7681 is identical to section 1 of the reorganization plan, but section 2 of H.R. 7681 differs greatly from sections 2 and 3 of the plan. Section 2 of H.R. 7681 would, in our opinion, largely undo the good done by section 1. The plan represents the considered thinking of the executive branch and we recommend that it be allowed to become effective, since we believe it to be preferable to the amended version which has been introduced as H.R. 7681. Before discussing the points at which the bill differs from the plan, it would be appropriate to discuss at some length the latter's provisions.

At the outset, it should be noted that the reorganization plan is quite limited in scope. It does not affect the vacant, unappropriated public domain lands, i.e., lands the title to which always has been in the United States and which are at present administered by the Department of the Interior. It does not involve the Secretary of the Interior's responsibilities for administration of the Mineral Leasing Act (30 U.S.C., sec. 181 et seq.), or the general mining laws (30 U.S.C., sec. 21 et seq.) on all public lands, including national forests. It relates primarily to forest-land exchanges and to the disposal of common minerals, such as sand, gravel, and clay, on most acquired lands currently under the jurisdiction of the Secretary of Agriculture for other purposes. The plan would be of considerable benefit to that part of the public concerned with land exchanges and the disposal of these common minerals. This would be the most important advantage to be gained. However, it would also be helpful in that duplicated effort which is now unavoidable because two Departments are involved in each land exchange and in the rather unimportant disposal to the public of common minerals in certain lands under the Department of Agriculture would be eliminated.

The first eight subsections of section 1 of the plan, (a) to (h), inclusive, relate to consummation of exchanges of land (or timber) in order to improve the land patterns of national forests. Present law requires the Secretaries of both the Interior and Agriculture to take certain actions in order to effect these exchanges. Such dual action is unnecessary inasmuch as administration of the national forests is under the Secretary of Agriculture and the actions referred to are largely of a ministerial character. The plan envisages consolidation in the Secretary of Agriculture of all authority to effect these exchanges except the issuance of land patents, a function delegated by the President to the Secretary of the Interior for all public lands of the United States.

The next subsection (i) relating to quitclaim deeds in cases where forest exchanges are abandoned likewise is of a ministerial character, and can better be performed by the Secretary of Agriculture for such lands.

Subsection (j) has to do with the appraisal and sale of lands for industrial wood processing sites in the Tongass National Forest in Alaska. Since the forest is under the jurisdiction of the Secretary of

Agriculture, he should be in a much better position to judge the desirability of such sales than the Secretary of the Interior who now has this responsibility.

Subsection (k) is designed to relieve the Secretary of the Interior of the dual responsibility, with the Secretary of Agriculture, of prescribing rules and regulations for the sale of unceded lands in national forests acquired by Agriculture under the Weeks law and found to be chiefly valuable for agricultural purposes. Since this is largely a matter within the jurisdiction of the Department of Agriculture, the responsibility for the issuance of rules and regulations should not be divided.

Subsection (1) of the plan proposes to eliminate the present dual responsibility of the Departments of Agriculture and of the Interior in the disposal of common mineral materials with respect to certain acquired national forest and other Agriculture lands. These materials include only such low value minerals as sand, gravel, and clay. The permit and lease transactions are generally of local importance. The only factor of any substance in acting on these permits and leases is the determination of whether or not the extraction of these common mineral materials would interfere with the programs and policies of administering the national forests involved, a matter which is under the jurisdiction of the Department of Agriculture. The plan proposes to consolidate this responsibility in Agriculture, as is the case with respect to national forest lands created out of the public domain. There is no good reason for having dual responsibility for this function with respect to acquired lands and having single responsibility with respect to forest lands created out of the public domain.

The plan does not reduce the responsibilities of the Department of the Interior for any lands now primarily under its administration. The functions to be transferred, as we have stated above, relate exclusively to lands otherwise under the jurisdiction of the Department of Agriculture. Furthermore, the lands involved in the proposed consolidation of functions with respect to the disposal of common mineral materials (subsec. (1)) are almost entirely in the eastern United States, since the national forests in the West were created almost entirely out of the public domain. As has been stated, the latter are not affected by the plan except to the extent that they contain some acquired land.

The proposed consolidation of responsibilities with respect to the disposal of common mineral materials would not affect the responsibility of the Secretary of the Interior with respect to the Mineral Leasing Act or the general mining laws which relate to more valuable minerals. Those coming under the Mineral Leasing Act are oil and gas, coal, phosphate, sulfur, potassium, and sodium. Those coming under the general mining laws include a long list of "hard rock" minerals, chiefly metals. The Secretary of the Interior would continue to exercise his authority over these minerals.

If the plan goes into effect, it would benefit both the administrative agencies involved and the public concerned in land exchanges and common mineral material disposals.

The two Departments—Interior and Agriculture—would benefit from the elimination of duality of responsibility for the functions necessary for consummating land exchanges (subsecs. (a) to (h), inclusive) in prescribing rules and regulations (subsec. (k)), and in the

disposal of common mineral materials (subsec. (1)). The total number of these exchanges and disposals are only 50 or so per year; and, because the work is of rather routine character for the most part, the direct monetary savings that would be made would be very small. However, because both agencies must participate, and because action by one agency cannot commence before the other has completed a given step in the process, there has been frequent delay and some confusion in effecting action. The plan contemplates doing away with this delay and confusion.

More significantly, the public would gain for a number of reasons. Applicants for common minerals in the national forests now must submit their applications to the Department of the Interior by mail for the most part since the Bureau of Land Management, the administering agency in the Department, has no offices in the eastern national forest areas. The Bureau then must ask the Forest Service for concurrence in its decision and thereafter mail the decision back to the applicant, a time-consuming process. If the plan is put into effect, a Forest Service official on the ground could receive and act on the application forthwith, thus reducing the time factor to insignificant proportions. In many cases the material desired is for construction operations which cannot be postponed until the procedure now in effect is completed. The public may be required to obtain the necessary materials elsewhere, some times at much greater cost when large transportation costs are involved.

Similarly, there is a private party to virtually all land exchanges. These private parties have a right to expect prompt action on the exchange transactions. Where two different departments must engage in the transaction, and one does not have local offices to deal with the matter, delays are inevitable.

As we have pointed out above, section 1 of H.R. 7681 is the same as section 1 of the plan, and it is only in the later provisions that the plan and the bill differ. Although the purpose of section 1 is to relieve the Secretary of the Interior of various ministerial duties in connection with land under the jurisdiction of the Secretary of Agriculture, section 2 of the bill would require the Secretary of the Interior's participation and approval in the exercise of many of those functions. In particular, the Secretary of the Interior would be required to participate in and approve any determination, decision, or exercise in discretion with respect to whether lands are mineral in character, whether minerals should be reserved to the United States, and the value of mineral rights. This required participation by the Interior Department seems unjustified. It has been our understanding that the plan would not modify or change any substantive provision in the mining and mineral leasing laws. Instead, it would merely eliminate certain dual actions and place full responsibility in the Department of Agriculture, except for issuing a patent or other instrument of conveyance relating to the public domain. To require this formal participation by the Secretary of the Interior would seem to us to be inconsistent with the purpose of section 1 in placing responsibility in the Secretary of Agriculture. It is our assumption that, even without this requirement, the Secretary of Agriculture would call upon the Secretary of the Interior for any necessary information, and we see no justification for a statutory requirement that the Secretary of the Interior participate formally in determinations.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ELMER F. BENNETT,
Under Secretary of the Interior.

APPENDIX 5—HOUSE DOCUMENT NO. 140, 86TH CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING REORGANIZATION PLAN NO. 1 OF 1959, PREPARED IN ACCORDANCE WITH THE REORGANIZATION ACT OF 1949, AS AMENDED, AND PROVIDING FOR TRANSFER OF CERTAIN FUNCTIONS FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF AGRICULTURE

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1959, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for transfer of certain functions from the Secretary of the Interior to the Secretary of Agriculture.

Both the Department of Agriculture and the Department of the Interior now have responsibilities with respect to certain land or timber exchanges and land sales involving Federal lands. Also, the Department of the Interior is responsible for the use and disposal of mineral materials from acquired lands which are under the jurisdiction of the Secretary of Agriculture. By placing certain functions pertinent to these matters in the Department which administers the lands, Reorganization Plan No. 1 of 1959 will bring about simplification of the work of the two Departments relating to such matters, more expeditious and economical performance of such work, and clarification of responsibilities concerning the work.

The Exchange Act of March 20, 1922 (42 Stat. 465), as amended, authorizes the exchange of national-forest land or timber for other lands within the boundaries of the national forests. The national forests are administered by the Department of Agriculture. Under this law and the seven other land-exchange statutes cited, the Secretary of the Interior must make determinations as to whether a transaction is in the public interest, must review and accept titles, and adjudicate appeals. With exceptions indicated in the transmitted reorganization plan, including exceptions with respect to the issuance of patents to lands, the plan provides for the transfer of the functions of the Secretary of the Interior under these exchange statutes to the Secretary of Agriculture, who administers the national forests. The Secretary of the Interior also has the responsibility under the act of April 28, 1930 (46 Stat. 257), to reconvey lands under the jurisdiction of the Secretary of Agriculture not accepted in exchange transactions. These functions either are duplications of those performed by the Department of Agriculture or can be more easily performed by that Department as it administers the lands involved and has detailed information and records.

The Tongass Timber Act of August 8, 1947 (61 Stat. 920), authorizes the sale of tracts of national-forest land found reasonably necessary for the processing of timber from the Tongass National Forest. Under the act the Secretary of the Interior must appraise and sell

such lands, with concurrence of the Secretary of Agriculture. The Department of Agriculture administers the land involved, has personnel on the ground, and can perform this function most expeditiously and economically.

Section 10 of the Weeks law of March 1, 1911 (36 Stat. 962), authorizes sale of small tracts of acquired national-forest land found chiefly valuable for agriculture. Under the act of Secretary of the Interior must join in the promulgation of joint regulations. Such lands are administered by the Department of Agriculture and sale of them is not related to programs of the Department of the Interior. This function can be most easily and economically performed by the Secretary of Agriculture.

Under the act of July 31, 1947 (61 Stat. 681), as amended, the Secretary of Agriculture can dispose of common varieties of sand, gravel, stone, pumice, and other materials from lands reserved from the public domain which are under his jurisdiction. With respect to these materials in acquired lands under the jurisdiction of the Secretary of Agriculture such disposal must be by the Secretary of the Interior. The reorganization plan will place in the Secretary of Agriculture the same authority in regard to such materials in acquired lands under his jurisdiction as he now exercises for other lands. Such activity most efficiently and economically can be performed by the Secretary of Agriculture in conjunction with other management activities on lands he administers.

By providing sound organizational arrangements, the taking effect of the reorganizations included in the accompanying reorganization plan will make possible more economical and expeditious administration of the affected functions. It is, however, impracticable to itemize at this time the reductions of expenditures which it is probable will be brought about by such taking effect.

After investigation, I have found and hereby declare that each reorganization included in the reorganization plan transmitted herewith is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *May 12, 1959.*

REORGANIZATION PLAN No. 1 OF 1959

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 12, 1959, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended

CERTAIN LAND EXCHANGES AND OTHER MATTERS

SECTION 1. Except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The functions of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(1) The functions of the Secretary of the Interior under section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947, 61 Stat. 681, as amended by the Act of July 23, 1955, 69 Stat. 367 (30 U.S.C. 601 et seq.).

SEC. 2. (a) Upon exchange of national forest lands under the provisions of law referred to in sections 1 (a), (b), (e), (f), and (g) hereof the Secretary of the Interior, on recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(b) All conveyances under the Act referred to in section 1(h) hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

(c) Upon the sale of lands under the section referred to in section 1(j) of this reorganization plan the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, shall issue the patent therefor.

SEC. 3. The functions transferred to the Secretary of Agriculture by the provisions of this reorganization plan shall be subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633).

APPENDIX 6.—COMPILATION OF STATUTES AND REORGANIZATION PLANS
REFERRED TO IN REORGANIZATION PLAN NO. 1 OF 1959

U.S. STATUTES REFERRED TO IN REORGANIZATION PLAN NO. 1 OF 1959

*Prepared by the Library of Congress, Legislative Reference Service,
American Law Division, May 19, 1959*(a) Act of March 20, 1922 (42 Stat. 465), as amended; 16 U.S.C. 485, 486§ 485. Exchange of lands in national forests; cutting timber
in national forests in exchange for lands therein.

When the public interests will be benefited thereby, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

§ 486. Exchange of lands in national forests; reservations
of timber, minerals, or easements.

Either party to an exchange under section 485 of this title may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and

occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(b)

Act of February 2, 1922 (42 Stat. 362)

CHAP. 46. - An Act Authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within or within six miles of the exterior boundaries of the Deschutes National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land, in the State of Oregon, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest, in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Deschutes National Forest.

Approved, February 2, 1922.

(c)

Act of June 7, 1924 (43 Stat. 643)

CHAP. 333. An Act Providing for the acquirement by the United States of privately owned lands within Rio Arriba and Taos Counties, New Mexico, known as the Las Trampas grant, by exchanging therefor timber within the exterior boundaries of any national forest situated within the State of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Las Trampas grant, located within the counties of Rio Arriba and Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

Sec. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

Sec. 3. That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

Sec. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

Approved, June 7, 1924.

(d) Act of January 12, 1925 (43 Stat. 739)

CHAP. 74. - An Act Providing for the acquirement by the United States of privately owned lands within Taos County, New Mexico, known as the Santa Barbara grant, by exchanging therefor timber, or lands and timber, within the exterior boundaries of any national forest situated within the State of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Santa Barbara grant, located within the county of Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

Sec. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

Sec. 3. That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

Sec. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

Approved, January 12, 1925.

(e)

Act of April 21, 1926 (44 Stat. 303)

CHAP. 167. - An Act Providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, New Mexico, within the Mora grant, and adjoining one or more national forests, by exchanging therefore lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Mora grant, as described in the patent issued by the United States, located in the counties of San Miguel, Mora, Taos, and Colfax, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor to patent not to exceed an equal value of national forest land in that State or the State of Arizona, or the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or of the State of Arizona, the value in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture: Provided, That the consent and approval of the Governor of Arizona shall have first been secured before any timber is given in exchange in the State of Arizona under this Act.

Sec. 2. Lands offered for exchange hereunder and not covered by public land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General.

Sec. 3. Any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine.

Sec. 4. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange.

Approved, April 21, 1926.

(f) Act of May 26, 1926 (44 Stat. 655); 16 U.S.C. 38

CHAP. 399. An Act To make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this Act.

Sec. 2. That the Secretary of the Interior be, and is hereby authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships herein above described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value

of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: Provided, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

Sec. 3. That reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this Act. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this Act: Provided, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

Sec. 4. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated east of the Yellowstone River, in townships 8 and 9 south, ranges 7, 8, and 9 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act are hereby added to and made parts of the Absaroka National Forest, subject to all laws and regulations relating to the National forests, and the east bank of the Yellowstone River is hereby established as the western boundary of said Absaroka National Forest in the townships above described.

Sec. 5. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated west of the Yellowstone River, in townships 8 and 9 south, ranges 7 and 8 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act, are hereby added to and made parts of the Gallatin National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the eastern boundary of said Gallatin National Forest in the townships above described.

Sec. 6. That the President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of this Act, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this Act; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: Provided, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of this Act: And provided further, That the lands of the United States acquired by donation or purchase within the area described in section 1 of this Act shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests.

Approved, May 26, 1926.

(g)

Act of June 15, 1926 (44 Stat. 746)

CHAP. 590. - An Act To amend an Act approved June 20, 1910, entitled "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled, "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, be, and the same is hereby amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: Provided, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States, title to any land within the exterior boundaries of the national forests in the State of New Mexico, title to which is in the State of New Mexico, which the said State of New Mexico is willing to convey to the United States, and which shall be so conveyed by deed duly recorded and executed by the governor of said State and the State land commissioner, with the approval of the State land board of said State, and as to land granted to the said State of New Mexico for the support of common schools with the approval of the State superintendent of public instruction of said State, as to institutional grant lands with the approval of the governing body of the institution for whose benefit the lands so reconveyed were granted to said State, if, in the opinion of the Secretary of Agriculture, public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor, the Secretary of the Interior, in his discretion, may give not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That authority is hereby vested in the President temporarily to withdraw from disposition under the Act of June 25, 1910 (Thirty-sixth Statutes at Large, page 847), as amended by the Act of August 24, 1912 (Thirty-seventh Statutes at Large, page 497), lands proposed for selection by the State under the provisions of this Act.

Sec. 2. Where sections 2, 16, 32, and 36, within national forests, legal title to which sections is retained in the United States under the provisions of section 6 of the said Act of June 20, 1910, and which sections are administered as a part of the said national forests for the benefit of the said State of New Mexico, have not already been tendered as base for indemnity selection under sections 2275 and 2276, United States Revised Statutes, and where such sections of land, in the opinion

of the Secretary of Agriculture, are chiefly valuable for forest purposes, upon surrender by the State of New Mexico of the right to make lieu selections and of all claim, right, or interest in or to said sections upon and in the event of elimination from the national forests, the Secretary of the Interior, in consideration of such surrender, may, in his discretion, give to the State of New Mexico not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That the Secretary of Agriculture may establish regulations and a procedure for appraising the values of the lands owned by the United States and by the State and for carrying out the provisions of this Act.

Sec. 3. That all lands acquired by the State of New Mexico under the provisions, and all the products and proceeds of said lands, shall be subject to all the conditions and trusts to which the lands conveyed or surrendered in lieu thereof are now subject. All lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forests within which they are situated.

Sec. 4. That pursuant to section 10, Article XXI, constitution of the State of New Mexico, the consent of the United States is hereby granted for amendment of the constitution of the State of New Mexico in accordance with the provision of this Act.

Approved, June 15, 1926.

(h) Act of December 7, 1942 (56 Stat. 1042)

CHAP. 691 - To authorize the exchange of certain lands in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national park or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota, under the jurisdiction of either the Secretary of the Interior or the Secretary of Agriculture, and which are desired by such State.

SEC. 2. The Secretary of Agriculture is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota which are under the jurisdiction of the Secretary of Agriculture and where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the said Secretary of Agriculture; and the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under the jurisdiction of the Secretary of Agriculture, in exchange for any surveyed public lands, unappropriated, and unreserved except for Executive Order Numbered 6964, dated February 5, 1935, or public domain in national forests, of equal value owned by the United States, where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the Secretary of the Interior; the lands within the national forests so accepted by said Secretary of the Interior thereafter to be subject to the provisions of the Act of February 1, 1905 (33 Stat. 628), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of lands reserved from the public domain.

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are authorized to make conveyances, on behalf of the United States, to the State of Minnesota of any lands under their respective jurisdictions to carry out the purposes of this Act: Provided, That all conveyances of public domain in national forests shall be made by the Secretary of the Interior as provided for by the Act of February 1, 1905 (33 Stat. 628).

SEC. 4. The conveyance of any land by the State of Minnesota, under the provisions of this Act, may be made subject to such reservations and conditions as such State shall prescribe, and the conveyance of any land by the United States, under the provisions of this Act, may be made subject to such reservations and conditions as the United States shall prescribe; but such reservations and conditions shall be duly considered in determining the value of the lands for the purposes of making any exchange of lands under this Act. Any exchange of lands under the provisions of this Act shall be made only after a determination that such exchange will be in the public interest. Such determination may be made by the Secretary of the Interior if the lands to be conveyed by the United States are under his jurisdiction and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. Such determination may be made by the Secretary of Agriculture if the lands to be conveyed by the United States are under his jurisdiction and are to be conveyed by him and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. In all other cases, such determination shall be made by the Secretary of the Interior and the Secretary of Agriculture, jointly.

SEC. 5. Lands acquired by the United States pursuant to any such exchange shall become a part of the national park, national forest, land utilization project, or other Federal reservation to which they may be contiguous or within the exterior boundaries of which they may be located and shall be subject to the laws, rules, and regulations applicable thereto.

Approved, December 7, 1942.

(i) Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872)

CHAP. 219. - An Act Validating certain applications for and entries of public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary . .

SEC. 6. That where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, for an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Commissioner of the General Land Office is hereby authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(j) Joint Resolution of August 8, 1947 (61 Stat. 921)

CHAP. 516 - To authorize the Secretary of Agriculture to sell timber within the Tongass National Forest.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That "possessory rights" as used in this resolution shall mean all rights, if any should exist, which are based upon aboriginal occupancy or title, or upon section 8 of the Act of May 17, 1884 (23 Stat. 24), section 14 of the Act of March 3, 1891 (26 Stat. 1095), or section 27 of the Act of June 6, 1900 (31 Stat. 321), whether claimed by native tribes, native villages, native individuals, or other persons, and which have not been confirmed by patent or court decision or included within any reservation.

SEC. 2. (a) The Secretary of Agriculture, in contracts for the sale, or in the sale, of national forest timber under the provisions of the Act of June 4, 1897 (30 Stat. 11, 35), as amended, is authorized to include timber growing on any vacant, unappropriated, and unpatented lands within the exterior boundaries of the Tongass National Forest in Alaska, notwithstanding any claim of possessory rights. All such contracts and sales heretofore made are hereby validated.

(b) The Secretary of the Interior is authorized to appraise and sell such vacant, unappropriated, and unpatented lands, notwithstanding any claim of possessory rights, within the exterior boundaries of the Tongass National Forest as, in the opinion of the Secretary of the Interior and the Secretary of Agriculture, are reasonably necessary in connection with or for the processing of timber from lands within such national forest, and upon such terms and conditions as they may impose.

(c) The purchaser shall have and exercise his rights under any patent issued or contract to sell or sale made under this section free and clear of all claims based upon possessory rights.

SEC. 3. (a) All receipts from the sale of timber or from the sale of lands under section 2 of this resolution shall be maintained in a special account in the Treasury until the rights to the land and timber are finally determined.

(b) Nothing in this resolution shall be construed as recognizing or denying the validity of any claims of possessory rights to lands or timber within the exterior boundaries of the Tongass National Forest.

Approved August 8, 1947.

(k) Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519)

§ 519. Agricultural lands included in tracts acquired; sale for homesteads.

Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this section and sections 513-518 of this title, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie.

And no right, title, interest, or claim in or to any lands acquired under said sections, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

(1) Reorganization Plan No. 3 of 1946 (60 Stat. 1099)

SEC. 402. Functions relating to mineral deposits in certain lands.--The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the Act of March 4, 1917 (39 Stat. 1134, 1150, 16 U. S. C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781), and the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U. S. C. 1011 (c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: Provided, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

Act of September 1, 1949 (63 Stat. 682; 30 U.S.C. 192c)

AN ACT

CHAP. 529. - To eliminate premium payments in the purchase of Government royalty oil under existing contracts entered into pursuant to the Act of July 13, 1946 (60 Stat. 533), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, under any existing contract entered into pursuant to the first proviso in the second paragraph of section 36 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C., sec. 192), any refinery is required to pay a premium price for the purchase of Government royalty oil, such refinery may, at its option by written notice to the Secretary of the Interior, elect either--

(1) to terminate such contract, the termination to take place at the end of the calendar month following the month in which such notice is given; or

(2) to retain such contract with the modifications, that (a) the price, on and after March 1, 1949, shall be as defined in the contract, without premium payments, (b) any credit thereby resulting from past premium payments shall be added to the refinery's account, and (c) the Secretary may, at his option, elect to terminate the contract as so modified, such termination to take place at the end of the third calendar month following the month in which written notice thereof is given by the Secretary.

SEC. 2. The provisions of this Act shall apply to all existing contracts for the purchase of Government royalty oil entered into after the approval of the Act of July 13, 1946 (60 Stat. 533), and prior to the approval of this Act, irrespective of whether a determination of preference status was made in connection with the award of such contracts, but shall not apply to any such contract which subsequent to its award has been transferred, through the acquisition of stock interests or other transactions, to the ownership or control of a refinery ineligible for a preference under said Act of July 13, 1946, and the regulations in force thereunder at the time of such transfer.

SEC. 3. The Secretary of the Interior is hereby authorized under general rules and regulations to be prescribed by him to issue leases or permits for the exploration, development, and utilization of the mineral deposits, other than those subject to the provisions of the Act of August 7, 1947 (61 Stat. 913), in those lands added to the

Shasta National Forest by the Act of March 19, 1948 (Public Law 449, Eightieth Congress), which were acquired with funds of the United States or lands received in exchange therefor: Provided, That any permit or lease of such deposits in lands administered by the Secretary of Agriculture shall be issued only with his consent and subject to such conditions as he may prescribe to insure the adequate utilization of the lands for the purposes set forth in the Act of March 19, 1948: And provided further, That all receipts derived from leases or permits issued under the authority of this Act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease or permit, the intention of this provision being that this Act shall not affect the distribution of receipts pursuant to legislation applicable to such lands.

Approved September 1, 1949.

Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b)

§ 508b. National forests in Minnesota; authority to prospect, develop, mine, remove, and utilize mineral resources.

Where, through withdrawal or reservation or by statutory limitation or otherwise, all or any part of the mineral resources in public-domain lands or lands received in exchange for public-domain lands or for timber on such lands situated within the exterior boundaries of the national forests in Minnesota, are not subject to development or utilization under the mining laws of the United States or the mineral leasing laws, and for the development and utilization of which no other statutory authority exists, the Secretary of the Interior is authorized, under general regulations to be prescribed by him and upon such terms and for specified periods or otherwise as he may deem to be for the best interests of the United States, to permit the prospecting for and the development and utilization of such mineral resources: Provided, That the development and utilization of such mineral deposits shall not be permitted by the Secretary of the Interior except with the consent of the Secretary of Agriculture. All receipts derived from permits or leases issued under the authority of this section for prospecting for and the development and utilization of such mineral resources shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for national forest revenue by sections 499-501 of this title.

Act of June 28, 1952 (66 Stat. 284)

CHAP. 482. - An Act To stabilize the economy of dependent residents of New Mexico using certain lands of the United States known as the North Lobato and El Pueblo tracts, originally purchased from relief program funds, and now administered under agreement by the Carson and Santa Fe National Forests, to effect permanent transfer of these lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of Public Law 499, Eighty-first Congress, approved May 3, 1950, the Secretary of Agriculture, with the consent of the New Mexico Rural Rehabilitation Corporation so to do, evidenced by an appropriate resolution of its board of directors, is hereby authorized and directed to convey, grant, transfer, and quitclaim, not later than May 3, 1953, to the United States for subsequent administration subject to the laws, rules, and regulations applicable to national forest lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended, all right, title, claim, interest, equity, and estate in and to the following-described lands administered by the Secretary as trustee, under an agreement of transfer dated May 16, 1937, as amended January 20, 1939, with the New Mexico Rural Rehabilitation Corporation, and situated in the counties of Rio Arriba and San Miguel, respectively, State of New Mexico, together with the improvements thereon and the rights and the appurtenances thereto belonging or appertaining, to wit:

That part of the Juan Jose Lobato Grant Numbered 164, as shown on plat approved by decree of court of October 13, 1895, and filed in volume 4, page 12, New Mexico Private Land Claims Records of the Bureau of Land Management, which lies northerly of the Chama River, as conveyed to the United States by William S. Jackson on the 30th day of December 1942, and as more specifically described in the deed of conveyance recorded in volume 25-A of deeds, at pages 463-472 of the records of Rio Arriba County, New Mexico.

That part of the Anton Chica Grant Numbered 29, as described on plat of survey approved February 15, 1882, and filed in volume 1, page 18, of New Mexico Private Land Claims Records of the Bureau of Land Management, which has been acquired by the United States

as part of the El Pueblo project, from Gross, Kelly and Company, of Las Vegas, New Mexico, by deed dated October 23, 1939, and recorded in book 128 of deeds at pages 534-537, records of San Miguel County, New Mexico, on February 27, 1940, and north half section 3; lot 1, southeast quarter northeast quarter section 4, township 12 north, range 15 east; south half of fractional section 14; east half southeast quarter section 22; fractional section 23; fractional section 26; east half northeast quarter, northeast quarter southeast quarter, south half southeast quarter, southeast quarter southwest quarter, section 27; north half, east half west half southwest quarter, east half southwest quarter, southeast quarter section 34; section 35, township 13 north, range 15 east; south half southwest quarter section 17; lots 1, 2, northwest quarter northeast quarter section 20; southwest quarter section 26; lot 5, northeast quarter southeast quarter section 27; lots 1, 2, of section 35, township 13 north, range 16 east, New Mexico principal meridian, containing twenty-six thousand four hundred sixty-four and forty-six one-hundredths acres, more or less.

SEC. 2. The lands conveyed to the United States under this Act shall, subject to adequate protection and conservation of soil and vegetative resources and the forests therein, be administered with due regard to the purposes for which the lands were originally acquired by the United States in its program of rural rehabilitation.

SEC. 3. That pending said transfer of the above land to the Forest Service and thereafter, mineral deposits within said tracts of land, whether acquired by purchase with said land or reserved to the Government in the original patent, shall be administered under the Mineral Leasing Act of August 7, 1947 (61 Stat. 913; 30 U. S. C. 351), as to the minerals specified therein, and as to any other minerals in the manner prescribed by section 402 of the President's Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099). Applications for mineral leases at any time heretofore or hereafter filed with respect to said mineral deposits shall be considered and acted upon in the manner prescribed, notwithstanding the provisions of Public Law 499 of the Eighty-first Congress, approved May 3, 1950.

SEC. 4. The following public domain lands are hereby reserved for administration under the Act of June 4, 1897 (30 Stat. 35, 16 U. S. C., 1946 edition, sec. 475), as amended or supplemented: Lot 1, section 25 and lots 1, 2, 3, and 4, section 36, all in township 13 north, range 15 east, New Mexico principal meridian, containing one hundred sixteen and three one-hundredths acres, more or less.

Approved June 28, 1952.

Act of July 31, 1947 (61 Stat. 681)

CHAP. 406.

AN ACT

To provide for the disposal of materials on the public lands of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, under such rules and regulations as he may prescribe, may dispose of materials including but not limited to sand, stone, gravel, yucca, manzanita, mesquite, cactus, common clay, and timber or other forest products, on public lands of the United States if the disposal of such materials (1) is not otherwise expressly authorized by law, including the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this Act and upon the payment of adequate compensation therefor, to be determined by the Secretary: Provided, however, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any person, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this Act, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior or of a State, Territory, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under this Act only with the consent of such Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national forest, national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

Sec. 2. Where the appraised value of the material exceeds \$1,000, it shall be disposed of by the Secretary to the highest responsible qualified bidder by competitive bidding and publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper of general circulation in the county in which the material is located. Where the appraised value of the material is \$1,000 or less, it may be disposed of by the Secretary upon such notice and in such manner as he may prescribe.

Sec. 3. All moneys received from the disposal of materials under this Act shall be disposed of in the same manner as moneys received from the sale of public lands.

Approved July 31, 1947.

Act of July 23, 1955 (69 Stat. 367); 30 U.S.C. 601 et seq.

§ 601. Rules and regulations governing disposal of materials; payment; removal without charge; lands excluded.

The Secretary, under such rules and regulations as he may prescribe, may dispose of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (including but not limited to yucca, manzanita, mesquite, cactus, and timber or other forest products) on public lands of the United States, including, for the purposes of this subchapter, land described in sections 1181a-1181j of Title 43, if the disposal of such mineral or vegetative materials (1) is not otherwise expressly authorized by law, including, but not limited to, sections 315-315m, 315n, 315o-1, and 1171 of Title 43, and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this subchapter and upon the payment of adequate compensation therefor, to be determined by the Secretary: Provided, however, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this subchapter, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the department headed by the Secretary or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, the Secretary may make disposals under this subchapter only with the consent of such other Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this subchapter shall be construed to apply to lands

in any national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians. As used in this subchapter, the word "Secretary" means the Secretary of the Interior except that it means the Secretary of Agriculture where the lands involved are administered by him for national forest purposes or for the purposes of sections 1010-1012 of Title 7 or where withdrawn for the purpose of any other function of the Department of Agriculture.

§ 602. Competitive bidding; publication of notice of disposal; materials valued at \$1,000 or less.

Where the appraised value of the material exceeds \$1,000, it shall be disposed of by the Secretary to the highest responsible qualified bidder by competitive bidding and publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper of general circulation in the county in which the material is located. Where the appraised value of the material is \$1,000 or less, it may be disposed of by the Secretary upon such notice and in such manner as he may prescribe.

§ 603. Disposition of moneys from disposal of materials.

All moneys received from the disposal of materials under this subchapter shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials by the Secretary of Agriculture shall be disposed of in the same manner as other moneys received by the Department of Agriculture from the administration of the lands from which the disposal of materials is made, and except that revenues from the lands described in sections 1181a-1181j of Title 43, shall be disposed of in accordance with said sections and except that moneys received from the disposal of materials from school section lands in Alaska, reserved under section 353 of Title 48, shall be set apart as separate and permanent funds in the Territorial Treasury, as provided for income derived from said school section lands pursuant to sections 353 and 354 of Title 48.

§ 604. Disposal of sand, peat moss, etc., in Alaska; contracts.

Subject to the provisions of this subchapter, the Secretary may dispose of sand, stone, gravel, and vegetative materials located

below highwater mark of navigable waters of the Territory of Alaska. Any contract, unexecuted in whole or in part, for the disposal under this subchapter of materials from land, title to which is transferred to a future State upon its admission to the Union, and which is situated within its boundaries, may be terminated or adopted by such State.

REORGANIZATION PLAN NO. 2 OF 1953

67 Stat. 633

DEPARTMENT OF AGRICULTURE

Section 4. Delegation of Functions*

(a) The Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

(b) To the extent that the carrying out of subsection (a) of this section involves the assignment of major functions or major groups of functions to major constituent organizational units of the Department of Agriculture, now or hereafter existing, or to the heads or other officers thereof, and to the extent deemed practicable by the Secretary, he shall give appropriate advance public notice of delegations of functions proposed to be made by him and shall afford appropriate opportunity for interested persons and groups to place before the Department of Agriculture their views with respect to such proposed delegations.

(c) In carrying out subsection (a) of this section the Secretary shall seek to simplify and make efficient the operation of the Department of Agriculture, to place the administration of farm programs close to the State and local levels, and to adapt the administration of the programs of the Department to regional, State, and local conditions.

* Reorganization Plan No. 1 of 1959 is made subject only to Section 4(a). Sections 4(b) and 4(c) are included for information purposes.

APPENDIX 7.—COMPILATION OF STATUTES CITED IN SECTION 402 OF
REORGANIZATION PLAN NO. 3 OF 1946

SUPPLEMENT, U.S. STATUTES REFERRED TO IN REORGANIZATION PLAN NO. 1 OF 1959

*Prepared by the Library of Congress, Legislative Reference Service,
American Law Division, May 26, 1959*

STATUTES CITED IN SECTION 402, 60 STAT. 1099

7 U. S. C. 1010, 1011§ 1010. Retirement of submarginal lands.

The Secretary is authorized and directed to develop a program of land conservation and utilization, including the retirement of lands which are marginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare.

§ 1011. Powers of Secretary of Agriculture.

To effectuate . . . is authorized --

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(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of sections 1010-1013 of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: Provided, however, That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of sections 1001, 1005d, 1007, and 1008-1029 of this title, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

40 U. S. C. 401, 403(a), 408 [1940 ed.]§ 401. Federal Emergency Administration of Public Works; creation; officers and employees; exemption from civil service laws and classification act; duration of law.

(a) To effectuate the purposes of sections 401-414 of this title, the President is hereby authorized to create a Federal Emergency Administration of Public Works, all the powers of which shall be exercised by a Federal Emergency Administrator of Public Works (hereafter referred to as the "Administrator"), and to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to sections 661-663, 664-673, and 674 of Title 5, to fix the compensation of any officers and employees so appointed. The President may delegate any of his functions and powers under this chapter to such officers, agents, and employees as he may designate or appoint.

(b) The Administrator may, without regard to the civil-service laws or sections 661-663, 664-673, and 674 of Title 5, appoint and fix the compensation of such experts and such other officers and employees as are necessary to carry out the provisions of this chapter; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing, and binding) as are necessary to carry out the provisions of said sections.

(c) All such compensation, expenses, and allowances shall be paid out of funds made available by sections 401-414 of this title.

(d) After the expiration of two years after June 16, 1933, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 701 of Title 15 has ended, the President shall not make any further loans or grants or enter upon any new construction under this chapter, and any agencies established hereunder shall cease to exist and any of their remaining functions shall be transferred to such departments of the Government as the President shall designate: Provided, That he may issue funds to a borrower under this chapter prior to January 23, 1939, under the terms of any agreement, or any commitment to bid upon or purchase bonds, entered into with such borrower prior to the date of termination, under this section, of the power of the President to make loans.

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§ 403. Financing public works--(a) Power of President to construct or finance public works; limitation on grants to States, municipalities, and public bodies; application of moneys received from sales, etc.

With a view to increasing employment quickly (while reasonably securing any loans made by the United States) the President is authorized

and empowered, through the Administrator or through such other agencies as he may designate or create, (1) to construct, finance, or aid in the construction or financing of any public-works project included in the program prepared pursuant to section 402 of this title; (2) upon such terms as the President shall prescribe, to make grants to States, municipalities, or other public bodies for the construction, repair, or improvement of any such project, but no such grant shall be in excess of 30 per centum of the cost of the labor and materials employed upon such project; (3) to acquire by purchase, or by exercise of the power of eminent domain, any real or personal property in connection with the construction of any such project, and to sell any security acquired or any property so constructed or acquired or to lease any such property with or without the privilege of purchase; Provided, That all moneys received from any such sale or lease or the repayment of any loan shall be used to retire obligations issued pursuant to section 410, in addition to any other moneys required to be used for such purpose; (4) to aid in the financing of such railroad maintenance and equipment as may be approved by the Interstate Commerce Commission as desirable for the improvement of transportation facilities; and (5) to advance, upon request of the Commission having jurisdiction of the project, the unappropriated balance of the sum authorized for carrying out the provisions of the Act entitled "An Act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930 (46 Stat. 583); such advance to be expended under the direction of such Commission and in accordance with such Act; Provided, That in deciding to extend any aid or grant hereunder to any State, county, or municipality the President may consider whether action is in process or in good faith assured therein reasonably designed to bring the ordinary current expenditures thereof. The provisions of this section and section 402 of this title shall extend to public works in the several States, Hawaii, Alaska, the District of Columbia, Puerto Rico, the Canal Zone, and the Virgin Islands.

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§ 408. Subsistence homesteads; loans authorized.

To provide for aiding the redistribution of the overbalance of population in industrial centers \$25,000,000 is hereby made available to the President, to be used by him through such agencies as he may establish and under such regulations as he may make, for making loans for and otherwise aiding in the purchase of subsistence homesteads. The moneys collected as repayment of said loans shall constitute a revolving fund to be administered as directed by the President for the purposes of this section.

39 Stat. 1150

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

49 Stat. 112

Sec. 5. In carrying out the provisions of this joint resolution the President is authorized (within the limits of the appropriation made in section 1) to acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

49 Stat. 781

Sec. 55. There is hereby made available, out of any money appropriated by the Emergency Relief Appropriation Act of 1935, such amount as the President may allot for the development of a national program of land conservation and land utilization. The sums so allotted may be used, in the discretion and under the direction of the President, for the acquisition of submarginal lands and their use for such public purposes as the President shall prescribe.

In carrying out the provisions of this section, the President is authorized:

(a) To make contracts and grants; and

(b) To acquire, by purchase, any real property or any interest therein (with or without reservations) in accordance with the policy herein set forth.

86TH CONGRESS
1ST SESSION

H. R. 7681

[Report No. 633]

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1959

Mr. SMITH of Iowa introduced the following bill; which was referred to the Committee on Government Operations

JULY 6, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

A BILL

To enact the provisions of Reorganization Plan Numbered 1 of 1959 with certain amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, except as otherwise provided in section 2 hereof, the
4 following functions are hereby transferred to the Secretary
5 of Agriculture:

6 (a) The functions of the Secretary of the Interior under
7 the Act of March 20, 1922, 42 Stat. 465, as amended (16
8 U.S.C. 485, 486), with respect to exchanges of non-Federal
9 lands for national forest lands or timber.

10 (b) The functions of the Secretary of the Interior

1 under the Act of February 2, 1922 (42 Stat. 362), with
2 respect to exchanges of lands in private ownership within
3 or within six miles of the Deschutes National Forest for
4 national forest lands, or for timber from any national forest,
5 in the State of Oregon.

6 (c) The functions of the Secretary of the Interior under
7 the Act of June 7, 1924 (43 Stat. 643), except section 2
8 thereof, with respect to exchanges of privately owned lands
9 for national forest timber in New Mexico.

10 (d) The functions of the Secretary of the Interior under
11 the Act of January 12, 1925 (43 Stat. 739), except section
12 2 thereof, with respect to exchanges of privately owned
13 lands for national forest timber in New Mexico.

14 (e) The functions of the Secretary of the Interior under
15 the Act of April 21, 1926 (44 Stat. 303), except section
16 2 thereof, with respect to exchanges of privately owned
17 lands for national forest lands or timber in New Mexico and
18 Arizona.

19 (f) The functions of the Secretary of the Interior under
20 section 2 of the Act of May 26, 1926 (44 Stat. 655; 16
21 U.S.C. 38), with respect to exchanges of lands held in
22 private or State ownership for national forest lands or timber
23 in Montana.

24 (g) The functions of the Secretary of the Interior under
25 the Act of June 15, 1926 (44 Stat. 746), with respect to

1 exchanges of State lands for national forest lands in New
2 Mexico.

3 (h) The functions of the Secretary of the Interior under
4 the Act of December 7, 1942 (56 Stat. 1042), with respect
5 to exchange transactions in which lands under the jurisdic-
6 tion of the Secretary of Agriculture are exchanged for State
7 lands in Minnesota which are to be under the jurisdiction
8 of the Secretary of Agriculture after their acquisition by the
9 United States.

10 (i) The function of the Secretary of the Interior
11 (originally vested in the Commissioner of the General Land
12 Office) under section 6 of the Act of April 28, 1930 (46
13 Stat. 257; 43 U.S.C. 872), with respect to execution of
14 quitclaim deeds for lands conveyed to the United States in
15 connection with exchange transactions involving lands under
16 the jurisdiction of the Secretary of Agriculture.

17 (j) The functions of the Secretary of the Interior under
18 section 2 (b) of the Joint Resolution of August 8, 1947
19 (61 Stat. 921), with respect to appraisals and sales of cer-
20 tain lands within the Tongass National Forest.

21 (k) The functions of the Secretary of the Interior under
22 section 10 of the Act of March 1, 1911 (36 Stat. 962; 16
23 U.S.C. 519), with respect to sales of small tracts of acquired
24 national forest lands found chiefly valuable for agriculture.

25 (l) The functions of the Secretary of the Interior under

1 section 402 of Reorganization Plan Numbered 3 of 1946
2 (60 Stat. 1099), section 3 of the Act of September 1, 1949
3 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950
4 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of
5 June 28, 1952 (66 Stat. 285), or otherwise, with respect
6 to the use and disposal from lands under the jurisdiction of
7 the Secretary of Agriculture of those mineral materials which
8 the Secretary of Agriculture is authorized to dispose of from
9 other lands under his jurisdiction under the Act of July 31,
10 1947 (61 Stat. 681), as amended by the Act of July 23,
11 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

12 SEC. 2. (a) In each case covered by subsections (a)
13 through (h) and (j) and (k) of section 1 hereof, every
14 determination, decision or exercise of discretion with respect
15 to (i) whether or not lands are mineral or nonmineral in
16 character, (ii) whether or not minerals shall be reserved to
17 the United States, or (iii) the value of mineral rights in
18 land, shall be made only with the participation and approval
19 of the Secretary of the Interior, *and under regulations ap-*
20 *proved by the Secretary of the Interior and the Secretary*
21 *of Agriculture.* In exercising his authority under this sub-
22 section, the Secretary of the Interior shall be guided by the
23 policies expressed in the laws, regulations, and decisions
24 relating to minerals under his jurisdiction.

25 (b) Nothing in this Act shall be construed to authorize

1 the Secretary of Agriculture to determine or adjudicate the
2 validity or invalidity of any mining claim or part thereof.

3 (c) Nothing in subsection (l) of section 1 hereof shall
4 be construed to authorize the Secretary of Agriculture to dis-
5 pose of coal, phosphate, sodium, potassium, oil, oil shale,
6 gas, or sulfur, or to dispose of any minerals which would
7 be subject to disposal under the mining laws if said laws
8 were applicable to the lands in which the minerals are
9 situated.

10 (d) Upon approval by the Secretary of Agriculture pur-
11 suant to the provisions of this Act of any exchange or sale,
12 respectively, of national forest lands under the provisions of
13 law referred to in subsections (a), (b), (e), (f), (g), and
14 (j) of section 1, hereof, the Secretary of the Interior, upon
15 the recommendation of the Secretary of Agriculture, shall
16 issue the patent therefor.

17 (e) All conveyances under the Act referred to in sub-
18 section (h) of section 1 hereof of national forest lands re-
19 served from the public domain shall, upon recommendation
20 of the Secretary of Agriculture, be made by the Secretary of
21 the Interior.

80TH CONGRESS
1ST Session

H. R. 7681

[Report No. 633]

A BILL

To enact the provisions of Reorganization Plan
Numbered 1 of 1959 with certain amend-
ments.

By Mr. SMITH of Iowa

JUNE 11, 1959

Referred to the Committee on Government Operations

JULY 6, 1959

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: House debated resolution to disapprove Reorganization Plan 1 on forest land authorities. House committee reported bill to modify and enact the Plan. Senate debated mutual security authorization bill. Senate subcommittee voted to report public works appropriation bill. Rep. Johnson, Wis., introduced and discussed bill to transfer administration of School Lunch Act to HEW.

HOUSE

1. **FORESTRY; REORGANIZATION.** Began and concluded debate on H. Res. 295, to disapprove Reorganization Plan No. 1 of 1959 which would transfer from Interior to this Department certain authorities for the exchange or sale of forest land and timber (pp. 11603-09). A vote on the measure was postponed until today, July 7 (p. 11609).

The Government Operations Committee reported, on July 3, with amendment H. R. 7681, to enact the provisions of Reorganization Plan No. 1 with amendments (H. Rept. 633) (p. 11614). Rep. Brown, O., protested against the Committee reporting the bill without public hearings, and stated that he had checked with Agriculture, Interior, and the Budget Bureau, and had been informed that they had not been requested by the Committee to testify on the bill (pp. 11604-5). Rep. Dawson, Ill., stated that H. R. 7681 will be brought up for consideration at a later date (p. 11609).

Passed as reported H. R. 3682, to permit the processing of certain applications under the Small Tracts Act for lands included in the Caribou and Targhee National Forests by the act of August 14, 1958. p. 11577

2. RESEARCH. Passed with amendments H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants. pp. 11576-7
3. WILDLIFE; SURPLUS. GRAINS. Passed over, at the request of Rep. Belly, H. R. 7631, to make permanent the act of July 3, 1956, authorizing Interior to requisition low-quality grain from CCC for use in the prevention of waterfowl depredations. p. 11577
4. PERSONNEL. Passed as reported H. R. 7577, to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment. p. 11578
Passed as reported H. R. 6059, to provide additional civilian positions in the Defense Department for scientific research and development. p. 11583
5. MONOPOLIES. Passed under suspension of the rules S. 726, to amend the Clayton Act so as to provide for the more expeditious enforcement of cease and desist orders issued under the act (pp. 11592-99). Rep. Celler stated that under the bill "Clayton Act cease and desist orders will become final and conclusive 60 days after issuance unless the respondent seeks judicial review. In the event that judicial review is sought, the cease and desist order will become final when affirmed by the court" (p. 11593). The "Daily Digest" states that the bill was passed with amendment (p. D569).

SENATE

6. MUTUAL SECURITY. Continued debate on S. 1451, the mutual security authorization bill for 1959. pp. 11539-47, 11548-65
7. PERSONNEL. Passed as reported H. R. 6134, to amend the Federal Employees Pay Act of 1945 to eliminate the authority to charge to certain current appropriations or allotments the gross amount of the salary earnings of Federal employees for certain pay periods occurring in part in previous fiscal years. p. 11529
Passed as reported S. 1495, to consolidate and revise the laws relating to employment of aliens in the several States and D. C. p. 11529
Passed over, at the request of Sen. Keating, S. 2162, to provide a health benefits program for Government employees. p. 11536
8. WATER; RECLAMATION. Passed over at the request of Sen. Keating S. 281, to authorize the Secretary of Interior to construct, operate, and maintain a re-regulating reservoir and other works at the Burns Creek site in the upper Snake River Valley, Idaho. pp. 11529-30
Received from the Illinois Legislature a resolution urging Congress to defend and preserve the water rights of the States and individuals. p. 11510
9. PUBLIC WORKS APPROPRIATION BILL FOR 1960. A subcommittee of the Appropriations Committee voted to report to the full committee this bill, H. R. 7509. p. D568
10. TRANSPORTATION. Passed as reported S. 1509, to amend the Interstate Commerce Act as amended to provide for "grandfather" rights (preference rights for certain carriers operating in the past) for certain motor carriers and freight forwarders in Alaska. pp. 11524-6

ence. This program is due to expire on June 30, 1960.

The program was limited in its scope and duration at the request of the Administration, pending the study, and recommendations of the National Conference on Public Health Training last year. The Conference subsequently endorsed the program established by Public Law 85-544 and recommended that it be extended and that the authorization be increased to more realistic levels. This recommendation was included in H.R. 6871.

Mr. Speaker, despite the advances in the field of public health and in medical research, the new knowledge, and technology developed is effective only to the extent to which it can be applied to existing health problems. It is obvious that there must be a tremendous expansion of public health training facilities—in enrollment, faculty, and in the scope of courses offered—if we are to fill the backlog of public health agency needs and keep pace in the application of modern medical technology in the practical, day-to-day struggle against varied public health problems.

They include air and water pollution, the use of food additives, atomic radiation, accident hazards in transportation, in the home, in the factory, and on the farm. Also included are the increasing importance of prevention and control of heart disease, cancer, mental illness, and other diseases frequently occurring in adult and the aged, the rehabilitation of disabled individuals, and many other similar health hazards of our modern civilization.

While it is important that we enact H.R. 6325 to extend the present traineeship program, it is clear that a piecemeal approach to the urgent public health training needs of our Nation will not bring about a long-range improvement. The backlog of training needs and the anticipated needs for public health personnel to meet new challenges in the health field require that we face up to this vast problem and deal with it on a broad and comprehensive basis. This is the approach proposed by H.R. 6871 and companion measures, implementing the recommendations of the National Conference on Public Health Training, attended by the Nation's outstanding experts in this field.

Just as in the case of weapons systems, public health training has a long leadtime. We cannot train competent specialists overnight. The longer we delay in dealing with this problem, the greater the effort must be to try to catch up with our growing public health needs.

Mr. Speaker, I urge the approval of H.R. 6325 as a needed first step. We will then be in a position to consider the more comprehensive program proposed by H.R. 6871, as recommended by the Conference and endorsed by such groups as the Association of State and Territorial Health Officers, the Association of Schools of Public Health, the American Dental Association, the AFL-CIO, the American Municipal Association, and by leading public health experts throughout the Nation.

(Mr. RHODES of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made earlier this afternoon, to revise and extend the remarks I made just a moment ago, and to include therewith a table which gives a breakdown of the programs under titles 1 and 2.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ALBERT). The question on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DISAPPROVING REORGANIZATION PLAN NO. 1 OF 1959

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 295) to disapprove Reorganization Plan No. 1 of 1959.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 295, to disapprove Reorganization Plan No. 1 of 1959, with Mr. UDALL in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. Under the consent agreement of Wednesday, July 1, 2 hours of general debate are allowed on the resolution, to be equally divided between the majority and the minority.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. SMITH].

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Chairman, Reorganization Plan No. 1 of 1959 was transmitted to the Congress on May 12, and under the Reorganization Act, it will become law unless disapproved by one branch of Congress prior to July 12. Soon after May 12, the chairman of the Government Operations Committee scheduled hearings and invited witnesses to appear. The Interior Committee was also consulted. As a result of these hearings, a majority of the committee became convinced that certain portions of the plan could be improved. Under the Reorganization Act the plan must be disapproved in its entirety or it becomes effective in its entirety. No amendments are permissible. Consequently, a bill, H.R. 7681, has been introduced and reported favorably by the committee, which we believe would adopt

the good provisions of the plan but include some safeguards and improvements. Our objective now is to disprove the plan submitted and to pass the bill which we believe would be better than the plan.

The plan involved would transfer from the Department of Interior to the Department of Agriculture functions of the Secretary of Interior in regard to minerals and forest lands in certain instances:

First. It would transfer to the Secretary of Agriculture the authority to make sales and exchanges of public national forest lands; and the national forests are largely located in the West and were reserved to the United States when the States became members of the Union.

Second. It would transfer to the Secretary of Agriculture the functions performed in selling certain mineral materials on acquired forest lands. The acquired forest lands are largely located in eastern United States and has been purchased or acquired by some method other than reservation. The Secretary of Interior would still perform a purely ministerial function of issuing the conveyance, but other than that all functions would be performed by the Agriculture Department.

The plan also contained a provision which would authorize the Secretary of Agriculture to redelegate the functions transferred to him and this provision did not include any provision for giving advance public notice as to whom these functions are to be redelegated.

CONCLUSIONS OF COMMITTEE

Since the surface resources of the national forests are administered by the Department of Agriculture, and there are some duplications under present laws, the committee felt there was justification for part of the plan. However, the committee disagreed in two principal respects:

First. The committee felt that there should be no right to redelegate major functions without giving an advanced public notice as to who is to perform the function. By letting this provision become law would give approval to secrecy as to the designation of a subordinate to handle important matters.

Secondly, the committee felt that the Secretary of Interior should have the right to require a reservation of the minerals in any sale or transfer of forest lands and that he should participate in determining the value of the minerals. The committee felt that any duplication in this regard is in the public interest.

Some of our forest land contains valuable minerals and any exchange of forest land necessarily involves the question of whether or not to reserve mineral rights and whether or not minerals are present. The geological survey staff is under the Secretary of Interior, and the Interior Department is especially equipped to make the proper determinations regarding minerals; and we felt the Secretary of Interior should have responsibility in determining matters concerning minerals. Testimony showed

that in 12 out of the 32 exchanges made in the last 5 years where minerals were reserved, the Agriculture Department had not contemplated such a reservation and that the reservation was made only because the Interior Department had the authority to review the exchange. Under these circumstances, we think the Secretary of Interior should have some authority and responsibility rather than merely being placed in the position of being ordered to sign deeds or patents presented by some one in the Agriculture Department.

We agree that there would be some convenience to the public by making it possible to deal with one agency instead of two, but there is no prospect that the plan would reduce the appropriations request for the Interior Department. The Interior Department stated flatly "there is no possibility that this Department can eliminate jobs or salaries as a consequence thereof." The Agriculture Department denied that it would result in an increase in employees in their Department "at this time."

The committee felt that the benefits under the plan are far outweighed by the loss of protection to the publicly owned minerals and recommends that the plan be disapproved.

We have provided through H.R. 7681 a means of giving the administration the portions of the plan that we thought would not be against the public interest. I urge that you vote in favor of the disapproval resolution.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. FASCELL. Is it not true the situation we find ourselves in is that since the committee desires to amend certain aspects of this plan and is not able to do so, the only alternative is to disapprove the plan and to enact legislation to deal with that part of the program that the committee felt was beneficial?

Mr. SMITH of Iowa. That is correct, it is due to the fact that the Reorganization Act of 1949 provides that there shall be no amendments offered to plans submitted to the Congress.

Mr. FASCELL. Is it not true that since the act of February 1, 1905, the Secretary of Agriculture has had charge of the surface resources of the National Forest while the Secretary of the Interior has safeguarded the land and minerals in the national forests?

Mr. SMITH of Iowa. That is right.

Mr. FASCELL. Is it not a sound system to provide checks on the disposal of minerals?

Mr. SMITH of Iowa. The committee felt very strongly about that.

Mr. FASCELL. Will the plan produce any substantial savings which cannot likewise be obtained through legislation which is now pending on the same subject?

Mr. SMITH of Iowa. There would be no savings that would not be permissible under the provisions of H.R. 7681.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Iowa.

Mr. GROSS. Is it proposed to follow this up with other legislation?

Mr. SMITH of Iowa. The legislation has been reported out of the committee and is now pending before the Rules Committee. We expect it to be reported very soon.

Mr. GROSS. It will not come up today?

Mr. SMITH of Iowa. No.

Mr. GROSS. No matter what action we take?

Mr. SMITH of Iowa. No. First of all, we have to disapprove the plan.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this resolution, as has been stated, is for the purpose of rejecting Reorganization Plan No. 1 of 1959. However, the situation is not quite as simple as has been stated here.

Reorganization Plan No. 1 of 1959, as submitted by the President, would transfer to the Secretary of Agriculture certain of the duties and responsibilities now placed on the Secretary of the Interior in connection with the handling of public lands, and especially forest lands. The reorganization plan, in my opinion, does protect the public interest in every way. However, the resolution is before us, and it is a resolution of rejection. It was reported out from the Committee on Government Operations by a party vote, as I recall. There was no rollcall taken on the matter. Those of us on the minority, being realists and practical minded, knew that there was very little reason for going ahead and having a rollcall at that time.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I wonder if the gentleman could tell us the reason the plan was submitted in the first place? What was it supposed to accomplish?

Mr. BROWN of Ohio. Well, the reason, of course, is given here: For the purpose of giving better administration and fixing control and administration primarily in one department instead of being divided between two. And, if the gentlewoman will follow my remarks, I will try to explain what is being done by the committee.

Mrs. CHURCH. I thank the gentleman.

Mr. BROWN of Ohio. I can understand why, perhaps, these reorganization plans are questioned at times, because there is no provision in the Reorganization Act, no method whereby Congress can pass upon any amendment to a reorganization plan. Therefore the majority in the committee took upon itself the responsibility of bringing in a bill which, in their judgment, would take the place of this reorganization plan.

The only trouble is that the bill, if it is approved and written into law as submitted, it will put the Government in a worse position than it is today, and we will have more confusion, and will divide up the responsibility more, and will have

the Secretary of Agriculture and the Secretary of the Interior, not only having their present jurisdiction, but each of them having jurisdiction over the other, as I read the provisions of this new bill.

Now, I protested very strongly against the hasty consideration of the new bill, H.R. 7681, in the form in which it was considered, which is presumed and supposed to do that which it is contended the reorganization plan does not do. At the time that H.R. 7681 first came before the committee, that is, the full committee, on Wednesday, June 23, I believe, if I am correct in my memory of the calendar, there had been no hearings on the bill, Mr. Chairman. There had been no testimony taken on the bill by the subcommittee. I protested against that, because, while a great part of the bill was in line with the provisions of this reorganization plan, certainly section 2(a) was not in line with the provisions of the reorganization plan, but instead would more muddle the situation than it exists at the present time.

Mrs. CHURCH. Mr. Chairman, if the gentleman will yield further, has the administration expressed its opinion on the proposed bill?

Mr. BROWN of Ohio. It has, as far as it has had an opportunity to do so. It has to me. It has not had the opportunity to be heard before the subcommittee.

Well, at that time it was proposed, rather to my astonishment, Mr. Chairman, that the bill should be reported out by the full committee, and then after it was reported we should have some hearings before the subcommittee, perhaps, and decide whether or not we wanted to adopt any amendments to the bill on the floor which, in my opinion, is a bad and a poor way to legislate. I insisted at that time that we postpone, in the full committee, any further consideration of this bill until the subcommittee had an opportunity to have hearings on the measure, and to call in these departments and agencies of Government, to wit, the Department of Agriculture, the Department of the Interior, and the Bureau of the Budget, to see whether or not they had any suggestions, any ideas, any thoughts, as to how the bill could be amended or could be changed to better do the things that the administration, and I hope, the committee wanted to do. The full committee then postponed action on the bill until the subcommittee could have the hearings I had suggested.

I was told one week later, Mr. Chairman, and the full committee was told, that these agencies of Government had been contacted and that they had not expressed the desire, or, rather, had expressed a lack of desire, to be heard by the subcommittee. Now, that was the following week or July 1, the week after we had postponed consideration. However, no hearings had been held. I then contacted the Bureau of the Budget, and I contacted the departments affected, and they told me—and all I can do is report to the House, as I have also included in the minority report on the

bill—that they had checked with everyone in the departments down to the janitor, and no request, no inquiry, no desire had been expressed by anyone that they come before our subcommittee for a hearing. In fact, they were waiting to be heard. They had amendments to the bill prepared that they wanted to suggest would put it in proper shape, but had not been given an opportunity to do so.

Anyhow, on last Wednesday the bill was reported out to the full House without these suggested amendments, without any hearings, without even an opportunity for the departments involved or the Bureau of the Budget to be heard or to offer amendments.

I insist—and I believe I am right in that insistence—as to the representatives of the Bureau of the Budget and of these departments, that the measure as drawn—that is, H.R. 7681, section 2(a)—does place new responsibilities upon both the Secretary of Agriculture and the Secretary of the Interior, and would further confuse the control of these public lands rather than clarify, consolidate, and coordinate it as proposed in the reorganization plan itself. Of course, that is a matter which should be debated rightfully and properly when this bill comes to the floor, if and when it does, for consideration. I am convinced that the administration, the agencies affected, would rather have no change at all in present law than to have H.R. 7681 as now drawn.

I insist that the way to properly legislate would be to take this bill back to the full committee, and then to the subcommittee, have the subcommittee hold the hearings that it should have been held on this measure, hear the testimony of these agencies of the Government, and consider any suggested amendments they may wish to make. I believe all of us should have the wish, in considering either a reorganization plan or a bill to do the same thing as a reorganization plan might do in substance, that there should be proper hearings thereon before action is taken. In some 40 years of experience in public life, in legislative work, I have never known a time when a bill is reported without hearings, and then once it is reported and is on the calendar for debate in the House, a committee holds hearings to see whether or not it wants to offer amendments on the floor of the House. If that is the proper way to legislate then I have learned something new in this session of Congress.

Therefore, Mr. Chairman, inasmuch as the administration feels that the Reorganization Plan is much better, and will much better serve the public interest, and that there is proper protection in it as far as the general public interest is concerned, than is the bill, H.R. 7681, we should vote down this resolution of rejection, which would, of course, permit this Reorganization Plan to become effective, that would, of course, negate any necessity for any further consideration of H.R. 7681. Perhaps, if that is done, we will save the time that otherwise should be used for holding the hearings that should have been held on the

bill by the subcommittee in the first place—the hearings that the minority were told and promised would be held.

Mr. Chairman, I reserve the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the Chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, the resolution which is before the committee at this time purports to do many things. I do not contend that I have studied the resolution and the matters which it tends to treat of as much as those who are responsible for the Reorganization Plan No. 1 being before us today.

May I say that in the first instance, when I received my communication from the chairman of the committee having jurisdiction over the consideration of Reorganization Plan No. 1 I was inclined to go along with the reorganization plan as forwarded to Congress. I went so far as to dictate a letter to the gentleman from Illinois [Mr. Dawson] stating my thinking, that the Reorganization Plan No. 1 was in order.

However, after I had studied the plan as thoroughly as time would permit and was able to better understand some of the ramifications which could be read into it, then it immediately appeared to me and several of the members of the committee of which I am chairman, and to our professional staff members, that there were dangers in the plan, that it would not do what the plan purported to do, and that it would do some things which we considered to be detrimental. For that reason I support House Resolution 295.

I have heard the criticism by my distinguished friend, the gentleman from Ohio [Mr. Brown] about the lack of hearings. All I know is that the committee was very fair with me in asking just what the position of the Committee on the Interior and Insular Affairs of the House was upon Reorganization Plan No. 1. My chief concern, of course, with Reorganization Plan No. 1 of this session, lies in its mineral provisions, concerning which it purports to treat the subject of minerals and the administration of the national minerals policy.

The Legislative Reorganization Act of 1946, which set up the committees under which we are presently operating, has given certain elements of jurisdiction to the Committee on Interior and Insular Affairs in regard to forest lands and has also given certain elements of jurisdiction in similar fields to the Committee on Agriculture. At times this complexity of jurisdiction becomes most troublesome. However, when it comes to minerals, then there is no question but what the Committee on Interior and Insular Affairs working with the Department of the Interior has jurisdiction over matters related to minerals and metals.

If this resolution is not adopted, and if Reorganization Plan No. 1 goes into effect, it will transfer from the Department of the Interior to the Department

of Agriculture the former's, that is, the Department of the Interior's present duties of determining whether mineral rights in forest lands carved out of the public domain should be reserved when such lands are exchanged for other lands.

I see no justification for splitting off from the Department of the Interior in this way a function which it has performed for decades.

The Department of the Interior, as most members of this committee understand, is one of the oldest departments in our Government. The Department of the Interior will continue to discharge such responsibilities in the minerals field for the great bulk of public lands, and which it is far greater equipped to perform than the Department of Agriculture not only by historical development but by present personnel operations. The Geological Survey and the Bureau of Mines are the chief Federal repositories of knowledge on the subject of minerals, and they are in the Department of the Interior and not in the Department of Agriculture.

It is true, as I am advised, that there are certain other classes of land with respect to which the Department of Agriculture now makes determinations on matters affecting minerals; and I wish the members to pay particular attention to what I am going to say now because it seems to me that we have had recommended to us the placing of action jurisdiction in one administrative department of our Government, and these responsibilities do not rightly belong there. It is also true that the executive department has built up in the Forest Service a little corps of mining engineers. I doubt the necessity or wisdom of having such corps of mining engineers in such agency. When I first asked downtown what the position of the Department of the Interior was on Reorganization Plan No. 1, they very frankly advised me that they were not in opposition to it; that they were aware of the fact that there were mining engineers in the Department of Agriculture and that they did not desire to oppose such situation.

When I objected to the possibility of duplication of effort, and said that perhaps the mining engineers should be in the Department of the Interior where the responsibility rightfully belongs they had nothing to say. But I hardly think that the current situation—that is, the fact that the Department of Agriculture does have a corps of mining engineers—I hardly think that that is justification for encouraging still greater duplication in that Department, of functions which the Interior Department is fully equipped to perform. If anything, it would probably be better to transfer to Interior these minerals functions which Agriculture is now performing and the men it uses to execute them than to move in the opposite direction as Reorganization Plan No. 1 proposes.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield.

Mr. MEADER. I would like to ask the gentleman from Colorado, the chairman of the Committee on Interior and Insular Affairs, if he did not send to the Committee on Government Operations certain suggested amendments to H.R. 7681, legislation which will do what this Reorganization Plan No. 1 is supposed to do.

Mr. ASPINALL. The gentleman is right. I do not have those suggested amendments and recommendations with me at this time, but I understand the bill which has been introduced purports to do, in my opinion, correctly, what Reorganization Plan No. 1 desires to do and will take care of most of those suggestions made by me as chairman of the Committee on Interior and Insular Affairs.

Mr. MEADER. I recall seeing those amendments. I felt at the time that H.R. 7681 was being considered that altogether too short shrift was being given to the suggested amendments sent over from the Committee on Interior and Insular Affairs. I would have liked to have had further consideration of those amendments because I know the Committee on Interior and Insular Affairs and its staff are fully familiar with these questions and we should have the best advice and judgment on legislation that we can have before we adopt it.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I am sure my friend, the chairman of the Committee on Interior and Insular Affairs, will admit publicly and gladly that the Committee on Government Operations always gives serious consideration to his recommendations.

Mr. ASPINALL. I not only admit it but I go further and state that as soon as this matter came up, the distinguished chairman from Illinois contacted me as chairman of our committee and gave us all the time we needed to form our position. The fact of the case is that we took an unusual length of time before replying to his first letter.

Mr. Chairman, there is no surer way of appearing to have a uniform national policy in law and yet of having two national policies in fact than to give two departments the same job to do. I do not know whether the Interior Department's determination with respect to mineral values and the desirability of retaining mineral rights are always correct nor, for the purpose of the present discussion, is it important that they are. What is important is that there be one agency in this field to whom the public and the Congress can look for information, for advice, and for protection of the public interest—one agency, not two agencies, to be held responsible if wrong decisions are made.

If Reorganization Plan No. 1 promised any substantial savings—and I emphasize this statement—it would be worth considering carefully. But even its advocates downtown do not claim this merit for it. As nearly as I can determine, its good points are covered and its

weak points are avoided in H.R. 7681, which the Committee on Government Operations has already reported to the House. We can well afford to take the time to have the whole subject looked at when that bill comes before the House for debate. It is not a subject that demands emergency action. Hence my recommendation is that House Resolution 295 be adopted and that Reorganization Plan No. 1 thus be kept from going into effect, and that we operate as the present law provides relative to these proposed reorganization plans.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Florida.

Mr. FASCELL. Basically, the distinguished gentleman points out, does he not, that what the plan seeks to do, and unless this disapproval resolution is agreed to, it will become effective, is to change the mineral policy of this country that has been in effect since 1905.

Mr. ASPINALL. The gentleman is correct, and the Department of the Interior which has had jurisdiction over this matter for decades, would be left with merely procedural responsibilities, such as the issuance of patents; that is all that would be left for them to do.

Mr. FASCELL. And as the gentleman has pointed out, the Department of the Interior has had a vast and specialized knowledge and a tradition that has been built up over the years with respect to minerals only as they involve public lands.

Mr. ASPINALL. The gentleman is correct. I might add that I was very much surprised to find out that the Department of Agriculture has presently a small corps of mining engineers.

Mr. FASCELL. And I take it the gentleman would much prefer to have the present law than to have the proposed reorganization plan.

Mr. ASPINALL. The gentleman is correct, not only because of the operation of the administrative departments of the Government, but also as far as the operation of Congress in relation to such departments is concerned.

Mr. FASCELL. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I asked the gentleman from Ohio, for this time, not to join him in opposing House Resolution 295, because I favor it; but to make some remarks upon the subject he raised concerning the committee's proceedings in considering Reorganization Plan No. 1 of 1959 H.R. 7681.

Let me state first that I believe my position on reorganization plans is pretty well known to this House. I have been opposed to the last two extensions of the Reorganization Act of 1949 on the ground that this unusual legislative authority which has existed in the executive since 1949 should not be continued until a showing is made that there is a need for it. The reorganization plan before us today, it seems to me, is illustrative of the soundness of the position I took.

I find my colleagues on my left in opposition to Reorganization Plan No. 1 and in favor of the resolution of disapproval. I presume their position is based on the theory that this is a matter which can better be handled in the ordinary legislative process than by this reverse process of Presidential legislation with congressional veto.

But now with respect to the committee's consideration of the legislation it seems to me that there was a desire for haste to get a bill reported out of our committee so that the argument could be made here on the floor in favor of this resolution: that we are going to take care of the problem by a bill already reported. Such haste, I may say, resulted in our failure to give proper consideration to this rather technical problem of government reorganization in our committee.

In an earlier colloquy with the gentleman from Colorado [Mr. ASPINALL] I referred to the amendments sent over to our Government Operations committee, transmitted officially by the chairman of the Committee on Interior and Insular Affairs. Those amendments and supporting statements were prepared, as I understand it, after consultation with the minority on that committee.

The Committee on Government Operations has not considered whether those amendments suggested by the Committee on Interior and Insular Affairs ought to be incorporated, or something similar ought to be incorporated, in H.R. 7681.

Further, as the gentleman from Ohio has pointed out, we did not hear administration witnesses from the Department of the Interior, the Department of Agriculture and the Bureau of the Budget on the language of H.R. 7681 or on the changes from Reorganization Plan No. 1 that the committee proposes to make. The language of the hearings were all conducted on the reorganization plan itself. The other legislation—H.R. 7681—was evolved, I am not sure how, but no hearings were held on the language of that bill.

As the gentleman from Ohio [Mr. BROWN] has suggested, he had informal conferences with some of the officials in the executive branch of the Government and the gentleman from Ohio did offer certain amendments which he thought would improve the bill.

They were considered and argued at length, but we did not have before us the testimony of those who will be charged with exercising these functions to see whether the proposals are workable and to develop the reasons for or against the amendments suggested by the gentleman from Ohio.

I think he is correct that in a matter of this kind we need the testimony of those who have the responsibility of carrying out our legislation. And I believe with him that what ought to happen when H.R. 7681 gets here is to send it back to the subcommittee so we can have those hearings, consider the suggestions made by the Committee on the Interior, and also consider the statements of administration officials who will have to carry out these functions. Let us do

our legislating in proper order and act on full knowledge rather than in the absence of knowledge.

I believe after the pending House resolution is adopted there will be time for the committee to proceed properly and give all facts and opinions serious consideration.

Mr. FASCELL. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, I am somewhat puzzled as to the great attention being paid to discussing H.R. 7681 which is not before the committee at this time. All we have is a simple resolution to disapprove Reorganization Plan No. 1. In the comments of the gentleman from Ohio and the gentleman from Michigan I have heard no defense of Reorganization Plan No. 1, nor have I heard them urge any argument to persuade you that we should disregard the action of a majority of the committee. I heard the vote on this resolution of disapproval characterized as one divided along party lines only.

I would point out that that is not correct. The gentleman from Michigan, a very distinguished member of the minority, has stated his opposition to Reorganization Plan No. 1, and his colleague from Michigan [Mr. HOFFMAN] has filed additional views setting forth his disagreement with Reorganization Plan No. 1.

In my judgment, and in the judgment of the committee, the plan as submitted was without sufficient merit to permit it to take effect. I agree completely with my colleague, the gentleman from Michigan [Mr. MEADER], when he said that this plan is one of the best illustrations of the need to withhold any further extension of the reorganization authority. But when we start talking about lack of hearings or consideration of the alternate proposal which the committee has reported and is now before the Rules Committee for consideration, I do not think we are putting this matter in proper perspective. If the rules were different and we were dealing with an orthodox piece of legislation the reorganization plan would be open to amendment by the committee. But that is not the case.

The committee exercised its need to amend by reporting a piece of legislation and to the extent that it considered the merits of the administration's position in regard to Reorganization Plan No. 1, the committee also carefully considered the legislation which it has reported. That was the only device available for expressing a different position than that taken by the administration. Now, we know that the reorganization plan is a plan submitted directly by the President, the head of the executive departments of our Government. And, it is unreasonable to assume that those departments are going to come forth and support a position different than that taken by the President until the House has worked its will.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I will be happy to yield to my friend from Michigan.

Mr. MEADER. I know the gentleman is very much interested in the power of Congress to obtain information they need from the executive branch of the Government, as am I, and I wonder if he would agree with me that despite the reluctance of officials in the executive branch of the Government to offer any statement or testimony that might be in conflict with an announced administration position, that the Congress still has the power to summon those officials to obtain factual and opinion information from them, as we could have in this case, by subpoenaing them, if necessary, to appear before a committee to testify on H.R. 7681.

Mr. MOSS. I would suggest to the gentleman that the current Attorney General has taken the position, which both of us challenge, which holds that we could not always force comment from the officials of the executive departments. This is a matter where we have not finally defined the area of authority. You and I, may I say to the gentleman, agree that they would have to respond, but they hold different views. I do not think there is really enough merit in the plan to even bother to fuss too strongly with them over the bill. This is a way of giving them part of what they want, and if they do not want to come forward finally and express an opinion until after the House has acted on the plan, then certainly let them have their way. I do not concede any authority to them, in taking that attitude, however.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to my friend from Florida.

Mr. FASCELL. In making that statement the gentleman knows, of course, that the departments have responded to the bill itself, although the bill is not before the committee at this time.

Mr. MOSS. Yes, I understand that they have responded, and that they are opposed to the bill.

Mr. FASCELL. And is it not understandable that the departments might respond differently if this disapproval resolution is agreed to?

Mr. MOSS. I think that depends on how badly they want the bill.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Virginia.

Mr. HARDY. I am a little disturbed, in fact, considerably disturbed, about this whole trend of discussion as to whether administration officials are willing to come down and give the Congress the benefit of their judgment on matters of legislation pending before us. Does not the gentleman agree that the Secretary of the Interior and all of the people under him have a responsibility to advise the Congress as to their judgment about the legislation pending before the Congress, irrespective of what the administration's announced position is?

Mr. MOSS. Well, I certainly agree that they should. However, the Secretary of the Interior is the agent of the President.

Mr. HARDY. He is the agent of the President, but he has also sworn to up-

hold the Constitution, and the Constitution provides that the Congress must exercise its responsibility in regard to legislation. Now, without information from officials in the executive branch, how can the Congress discharge its responsibility?

Mr. MOSS. I would say in view of the unwise delegation of some of our legislative powers. I can understand a certain degree of confusion in the executive departments on their proper role.

Mr. HARDY. Then the gentleman agrees with me that we must get back from the executive branch some of the powers we have given them.

Mr. MOSS. I certainly do.
Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield further?

Mr. MOSS. I yield.
Mr. BROWN of Ohio. The gentleman, of course, is not a member of the subcommittee, but he is a member of the full committee. I am sure he knows, and will agree and admit to the House, that the only argument for the speed in reporting this bill, H.R. 7681, was that you wanted to get it out before this reorganization plan came up for a vote. That was the whole argument. It was made for the purpose of speeding it through. I am sure the gentleman will also agree and admit that the Committee on Government Operations had taken action to reject the reorganization plan, or had adopted the rejection resolution, before the question on the bill came up on June 23 or 24, that Wednesday, whenever it was, as to whether or not we should not have some subcommittee hearings and determine what the position of the agencies and departments of the Government affected might be. And, I am sure you heard the gentleman from Ohio state—and I hope that you will not question my word on this—that those departments and agencies all informed me they were waiting to be called before the subcommittee for those hearings, which were never scheduled and never held, and instead we were told, when the bill was finally reported, that they had refused or failed to indicate a desire to attend. Now, that is the true situation. Let us put the situation in its proper perspective.

Mr. MOSS. I do not concede that they had to act—

Mr. BROWN of Ohio. Not what they had to do, but what they did.

Mr. MOSS. On the rejection of the reorganization plan. But while I would not question the gentleman's statement of assurance from the departments of their interest, neither would I question the statement of my very distinguished chairman, the gentleman from Illinois, that he did contact them and that they indicated reluctance to make an appearance ahead of rejection by the House of the reorganization proposal.

Mr. BROWN of Ohio. Does not the gentleman think, under such circumstances, that it might be the better part of wisdom to call these people before the subcommittee, have an open hearing and, if necessary, put them under oath, and find out just what the facts actually are before we make statements?

Mr. MOSS. Of course, I have made no statements. I merely say that I will

not question the gentleman's statements, and I most certainly will not question the statements of my chairman.

Mr. BROWN of Ohio. And if they stated one thing to me and another thing to someone else, I think the Congress ought to know about it.

Mr. MOSS. I find that occasionally they get confused down there, and sometimes I have had them do the same thing with me. As a matter of fact, unless I get confirmation in writing, I do not even attempt to quote them.

Mr. BROWN of Ohio. I happen to have mine in writing.

Mr. MOSS. I have not sought any sort of assurance from my chairman nor do I believe he has sought that assurance from the departments.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the distinguished majority leader.

Mr. McCORMACK. I was somewhat surprised to hear my friend from Ohio [Mr. Brown] suggest subpoenaing a department head and putting him under oath in connection with legislation. I would regret to see the day come in the Congress of the United States, when we are considering legislation, when we subject anybody to oath, because witnesses have the right to come before the committees on legislation and present their views, say anything they want to. Investigating committees subject witnesses to oath. I am sure that my friend, upon reflection, will realize that it is not good orderly procedure to subpoena and to subject to oath anybody in connection with legislation. That is not the case in an investigation.

The gentleman from Ohio [Mr. Brown] also said that we speeded up reporting the bill because of the rejection resolution. The gentleman from California [Mr. Moss] will remember, at the meeting of the committee I said that I thought that it was a very constructive course for the committee to follow, that simultaneously with reporting out the rejection resolution we bring out a bill; that we were taking a statesmanlike attitude in the committee. Does the gentleman remember that?

Mr. MOSS. I recall that, of course.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield further?

Mr. MOSS. I yield to the gentleman.

Mr. BROWN of Ohio. I was sure the gentleman would yield, because my good friend from Massachusetts [Mr. McCormack], clever as he is, is again beclouding the issue, as he often does on this floor. The gentleman from Ohio never used the word "subpena." The gentleman from Massachusetts brought that in from his legal training, I am sure. May I say to the gentleman from Massachusetts that what I said was to bring them before the committee, or have them appear before the committee, and, if necessary, put them under oath to find out who is telling the truth about this thing.

Mr. McCORMACK. When you put them under oath, that is—

Mr. BROWN of Ohio. The gentleman knows as well as I know what was said in that committee. The gentleman was present, was he not?

Mr. McCORMACK. The gentleman advocates subjecting any citizen to oath on a piece of legislation?

Mr. BROWN of Ohio. I think the situation has developed here where we will have to put a number of people under oath before we get through.

Mr. McCORMACK. The gentleman does not answer my question.

Mr. MOSS. Mr. Chairman, I must now decline to yield further.

The CHAIRMAN. The gentleman from California declines to yield further.

Mr. MOSS. Mr. Chairman, let me say again that I think there are many efforts beyond those of the gentleman from Massachusetts—and I am not conceding that his efforts are so directed—to somewhat becloud this issue. In the first place, if this were an orthodox piece of legislation, the committee could have proposed amendments. And so we did the next best thing in considering this reorganization; we proposed a bill.

I frankly see no merit whatsoever to the argument that we should bring the departments back, have them give us testimony on that proposal which we have now modified in the exercise of our judgment. One of the great defects of this reorganization authority which we have unwisely delegated to the Executive is the denial of the right to the Congress to exercise its independent judgment and to amend the proposals. To contend that they have not been heard is to deny the facts. They have been heard. And I might add that a reading of the hearings shows that they did not offer one persuasive reason for adoption of the reorganization plan.

I urge the members of this Committee to act on that which is before us, the resolution to reject Reorganization Plan No. 1.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am getting a liberal education heretoday. I am amazed—amazed to hear the gentleman from California say that there were hearings held on this legislation H.R. 7681. The only hearings that were held were on the Reorganization Plan No. 1, and no testimony has been taken on the substitute bill, which is legislation yet you say that no hearings should be held on it or should be necessary.

Mr. MOSS. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. MOSS. I at no time said that hearings had been held on the legislation, but I did say that hearings had been held on the proposal and that we were exercising our independent judgment in modifying it and submitting to this committee a bill.

Mr. BROWN of Ohio. Then the gentleman went further to say inasmuch as hearings had been held on the reorganization plan, there was not any reason for holding hearings on the bill.

Mr. MOSS. That is still the gentleman's opinion.

Mr. BROWN of Ohio. That is the gentlemen's opinion, of course. In other words, he would say because you cannot amend a reorganization plan, but hold

hearings on it, inasmuch as you can amend a bill, you should not hold any hearings on the new legislative proposal or the bill and take testimony, and decide whether or not proposed amendments are good or bad. Now that is exactly what I have been objecting to, that we have not followed parliamentary procedure in connection with the consideration of this bill H.R. 7681. The only reason for the existence of it is in order to say that "we are offering this legislation as a better way to obtain the objective set forth in Reorganization Plan No. 1," and saying, instead, that we want to write the legislation and we are asking for that power, and we are getting, that power by introducing a bill, but we will not hold hearings on it—we will just go ahead and report the bill and that action is an argument as to why we should defeat the reorganization plan; and then we will hold hearings on the bill after it has been reported. In other words, we will have, as I said in committee, a little Texas justice—we will hold the hanging this week and then have the trial next week. That makes sense, does it not?

Mr. MOSS. Of course, the gentleman has stated the case—a case which is hypothetical I might add in every respect and not at all resembling the one which I presented to this committee.

Mr. BROWN of Ohio. You feel it should be recommitted?

Mr. MOSS. I do not care what you do with the bill—it is not before us and there is nothing we can do with it here.

Mr. BROWN of Ohio. That is right.

Mr. MOSS. I know the gentleman is a member of the Committee on Rules and will see that justice is done to the legislation.

Mr. BROWN of Ohio. The legislation was introduced for the purpose of giving a reason for the rejection of this reorganization plan.

Mr. MOSS. I differ with the gentleman. I say it was introduced because it was the only way the committee could express a modified view of the Executive's request. Had we been permitted to amend it, we could have amended it and a bill would not have been necessary.

Mr. BROWN of Ohio. The argument was made in the committee by the majority that the reason to rush the bill through was that you wanted the bill out and before the House before the reorganization plan resolution to reject it was up. And, of course, that is the whole story.

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Ohio. I yield.

Mr. MOSS. I would say when the gentleman says that the majority made the statement that some of the majority made such a statement. Others of us had arguments that we advanced just as there was a division of argument on your side of the picture.

Mr. BROWN of Ohio. Of course, the gentleman knows as well as I do, in fact, that there was not any real majority present. This thing was reported out by the usual procedure in our committee of voting proxies, which I question as be-

ing exactly good legislative procedure. But it is being done. I do not object to the bill on that ground. But, let us not quibble here.

Mr. MOSS. The gentleman from Ohio will admit that there was a quorum present because I heard no point of order being made.

Mr. BROWN of Ohio. No, we did not make a point of order, but I still insist that the majority of the votes was cast by phoxy, which is a custom in our committee.

The majority of the committee membership did not speak on it because they were not there to speak.

Mr. MOSS. This is not a partisan issue; is it?

Mr. BROWN of Ohio. No; I understand there is not a bit of partisanship in it. We are all trying to help the President.

Mr. Chairman, I reserve the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the chairman of the Committee on Government Operations, the gentleman from Illinois [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman and Members of the Congress, I have not spoken to you on legislation for quite some time. I speak now only because there has been some question as to what transpired in the Committee on Government Operations. I am sure that any person who has had anything to do with the Committee on Government Operations knows that no advantage has ever been taken of anyone in that committee as long as the gentleman from Illinois who is now addressing you has been the chairman of the committee, and no advantage ever will be taken of anyone.

Mr. Chairman, the President's Reorganization Plan No. 1 of 1959 now before us is bad legislation. There are some features about it which I am sure this Congress does not wish to pass. We cannot amend the plan; we can only reject it if we disapprove of any of its provisions. That is being done by the disapproval resolution, House Resolution 295, which is before us now.

What disposition you will make of the bill, H.R. 7681, is another matter. That bill will come up at another time. There were some good features in the reorganization plan, we as Members of Congress would like to support that which is good and reject that part which is bad. So we will present H.R. 7681 at a future date. The hearing was held on the plan, and the bill was prepared because we wanted to present to the Congress legislation which would embody those features of the plan which were good, and to reject and do away with those parts of the plan which were bad.

Remember, it is the duty of the Congress to legislate. We have, by the Reorganization Act, delegated to the President the power to legislate by means of a reorganization plan. The Reorganization Act provided that the plan could be rejected only by a disapproval resolution.

We found some features of the plan which any candid person will admit were bad. The only way we can take the good

and keep out the bad features of the plan is through legislation. We will act upon the disapproval resolution today. The bill will be brought before you at a later date, and upon that bill you can assert your ideas; you can either amend it or accept it as reported from the committee.

Mr. FASCELL. Mr. Chairman, there are no further requests for time.

The CHAIRMAN. There being no requests for time, the Clerk will read.

The Clerk read as follow:

Resolved, That the House does not favor the Reorganization Plan Numbered 1 of May 12, 1959, transmitted to Congress by the President on the 12th day of May 1959.

Mr. FASCELL. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that it do pass. The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 295) to disapprove Reorganization Plan No. 1 of 1959, had directed him to report the same back to the House with the recommendation that the resolution do pass.

Mr. FASCELL. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. BROWN of Ohio. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER. Under the agreement, the rollcall must go over until tomorrow.

SUPREME COURT APPROVES TEACHING ADULTERY

(Mr. MASON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MASON. Mr. Speaker, David Lawrence in a recent column calls our attention to the fact that a recent Supreme Court decision says it is proper and legal to teach adultery—the breaking of the marriage vows—because “it is an idea” and comes under the head of “Free Speech.” The Court had previously ruled that it is legal to teach or advocate the overthrow of our Government because that also is just an “idea” and comes under the head of “Free Speech.”

This recent decision that it is perfectly proper and legal to teach the sin of adultery should come as a shock to church people everywhere. It is now lawful to advocate sin, to advocate crime, and to advocate the overthrow of our Government, because forsooth it comes under the head of “Free Speech.” What next?

JURISDICTION OF THE SCHOOL LUNCH PROGRAM

(Mr. JOHNSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and include a copy of a bill.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I am today introducing a bill to transfer the national school lunch and children's special milk programs from the Department of Agriculture to the Department of Health, Education, and Welfare. My bill would make no other changes in the nature or administration of these programs. All of the personnel and facilities now used in the operation of the programs would be transferred along with the functions.

The bill would not change the existing law except to transfer the departmental location of these two worthwhile programs and to place the children's milk program on a continuing appropriation basis, after the current authorization for expenditures from Commodity Credit Corporation funds expires. The bill would also increase the scope of the children's milk program to keep pace with the increased child population and the cost of administering the milk program.

The special milk program would be put on a permanent basis to increase the volume of milk used in schools, summer camps, nursery schools, child care centers, and similar nonprofit institutions above the volume of milk that would otherwise be utilized in the absence of the program. Funds expended under this program are not used to replace milk purchases that would otherwise be made.

Both the school lunch program and the children's milk program are carried out largely in the public educational institutions in the various States and school districts around the country. Most of the dealings that these schools and their officials have with the Federal Government in respect to their professional work is with the Department of Health, Education, and Welfare. Since both hot school lunches and the children's milk program are directly related to both health and welfare as well as education, it stands to reason that these programs could undoubtedly be more effectively and efficiently administered in the Health, Education, and Welfare Department than in the Agriculture Department.

Both of these programs relate to general public interest and are of primary benefit to schools and the general public. Currently, however, the annual costs of these programs are included in the budget for the Department of Agriculture and are considered by many as just another part of the price support and farm income stabilization program. Because these programs are in the Agriculture Department budget, this means that the budgets and justifications are prepared, reviewed, and passed upon by people primarily interested in agriculture and the farm programs rather than those whose primary interests are in schools and the health and welfare of children. The existing situation, also, means that the budget requests for these programs are considered and reviewed by agricultural appropriations subcommittees rather than by the health, education, and welfare subcommittees of the House and Senate.

Secretary of Agriculture Benson has been dragging his feet, so to speak, on

the children's special milk program. In March, the House Agriculture Committee held hearings on bills aimed at increasing the amount of money authorized for the program in order to keep up with the rising school enrollment. At that time, Secretary Benson's spokesman, Assistant Secretary of Agriculture Clarence Miller, came out flatly against expanding the program.

He admitted that the full availability of funds during the first years of the children's special milk program was responsible for its rapid expansion—an expansion which has been so helpful in creating constructive new markets for fluid milk. However, he persisted in saying that the annual appropriation for the program should be stabilized, to use his term, at \$75 million.

This means the program would have to be restricted to the schools and summer camps which are now participating. In addition, the children would have to pay an extra 1 cent a pint for the milk they get under the children's special milk program.

I can see no commonsense objection to having the planning, administration, and supervision of food programs for school children placed in the department of government which has general responsibility for such matters—namely, the Department of Health, Education, and Welfare. Such action would not only protect these worthwhile and humanitarian programs for the penny-wise, dollar-foolish economies of Secretary Benson, but it would also help dispel the fog of confusion in the public mind about the cost of the farm program.

According to a breakdown of the 1960 agricultural budget, over half of the money appropriated in the name of the farmers will be used for the benefit of all the folks in this country. The school lunch and children's milk programs are but two of the general-welfare programs now charged against the farmer. I strongly feel that all of these programs should be transferred from the Department of Agriculture to their proper departments. This would keep the record straight on who is getting what—and would also result in better administration of the programs involved.

Mr. Speaker, the following is a section by section explanation of the bill H.R. 8104:

SECTION 1, SUBSECTION (A)

Section 1, subsection (a) amends section 3 of the National School Lunch Act by striking out "Secretary of Agriculture" and inserting in place of that, "Secretary of Health, Education, and Welfare." This results in the Secretary of Health, Education, and Welfare becoming responsible for the administration of the School Lunch Act.

SECTION 1, SUBSECTION (B)

Section 1, subsection (b) amends the last sentence of section 6 of the National School Lunch Act by requiring the Secretary of Health, Education, and Welfare to utilize the services and facilities of the Commodity Credit Corporation in connection with his direct expenditure of funds for agricultural commodities to

be distributed to participants in the school lunch program.

SECTION 1, SUBSECTION (C)

Section 1, subsection (c) amends the last sentence of section 9 of the National School Lunch Act in order to provide that commodities purchased under authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be transferred by the Secretary of Agriculture to the Secretary of Health, Education, and Welfare and may be donated by the Secretary of Health, Education, and Welfare to schools in accordance with needs as determined by local school authorities, for utilization in the school lunch program, as well as to other schools and institutions authorized to receive these commodities.

SECTION 1, SUBSECTION (D)

The National School Lunch Act is further amended by adding a new section 12 at the end of it which directs the Secretary of Health, Education, and Welfare to establish a children's milk program in terms almost identical to those which were used in the establishment of the present special milk program in section 201(c) of the Agricultural Act of 1949, as amended and Public Law 85-478. This program is required to include assistance in providing equipment to store and serve milk.

Sections 4, 5, 6, 7, 8, and 10 of the National School Lunch Act are specifically made inapplicable to the milk program since these sections deal with matters peculiar to the school lunch program and their application to the milk program would require certain changes in the administration of the present program.

The amounts authorized to be expended for the special milk program for the fiscal year ending June 30, 1961, by Public Law 85-478 are made available for that fiscal year to carry out this program within the Department of Health, Education, and Welfare.

Thereafter, there is authorized to be appropriated for the children's milk program \$125 million per fiscal year, beginning with the fiscal year ending June 30, 1962.

SECTION 2

Section 2 amends section 404 of the Agricultural Act of 1949 by striking out a reference to section 6 of the National School Lunch Act. This is a conforming amendment made necessary by the transfer of the program from the Secretary of Agriculture to the Secretary of Health, Education, and Welfare.

SECTION 3

Section 3 provides for the transfer to the Department of Health, Education, and Welfare, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held available, or to be made available in connection with the administration of the National School Lunch Act by the Secretary of Agriculture, and with the administration of the special milk program under section 201(c) of the Agricultural Act of 1949, as amended, and the administration of that program under Public Law 85-478, as the Director of the Bureau of

the Budget determines necessary to carry out the transferred functions.

SECTION 4

Section 4 is the effective date section and makes the transfer of the school lunch program and the milk program to the Secretary of Health, Education, and Welfare take effect on July 1, 1960, and permits the transfer of personnel and property at any such time after the date of enactment of the bill as the Director of the Bureau of the Budget determines necessary in order to have a smooth transition from the administration of these programs by the one department to their administration by the other.

Mr. Speaker, under unanimous consent I include a copy of the proposed bill, H.R. 8104:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the National School Lunch Act (42 U.S.C., sec. 1752) is amended by striking out "Secretary of Agriculture" and inserting in lieu thereof "Secretary of Health, Education, and Welfare".

(b) The last sentence of section 6 of the National School Lunch Act (42 U.S.C., sec. 1755) is amended to read as follows: "The Secretary in carrying out this section shall utilize the services and facilities of the Commodity Credit Corporation (including but not limited to procurement by contract) and make advance payments to it."

(c) The last sentence of section 9 of the National School Lunch Act (42 U.S.C., sec. 1758) is amended by inserting immediately after "(49 Stat. 774), as amended," the following: "may be transferred by the Secretary of Agriculture to the Secretary and".

(d) The National School Lunch Act is amended by adding at the end thereof the following new section:

"CHILDREN'S MILK PROGRAM"

"SEC. 12. (a) The Secretary is authorized and directed to establish a program which will increase the consumption of fluid milk by children (1) in nonprofit schools of high school grade and under; and (2) in nonprofit nursery schools, childcare centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Such program shall include assistance in providing equipment to store and serve such milk.

"(b) Sections 4, 5, 6, 7, 8, and 10 of this Act shall not apply to the program authorized by subsection (a) of this section.

"(c) Amounts authorized to be expended for the fiscal year ending June 30, 1961, by Public Law 85-478 shall be available for such fiscal year to carry out the program authorized by this section.

"(d) There is authorized to be appropriated to carry out the purposes of this section \$125,000,000 per fiscal year beginning with the fiscal year ending June 30, 1962."

SEC. 2. Section 404 of title IV of the Agricultural Act of 1949, as amended (7 U.S.C., sec. 1424), is amended by striking out "and section 6 of the National School Lunch Act".

SEC. 3. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held available, or to be made available in connection with the administration by the Secretary of Agriculture of the National School Lunch Act, with the administration of the last sentence of section 201(c) of the Agricultural Act of 1949, as amended, and with the administration of Public Law 85-478, as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Health, Education, and Welfare, at such time or times as the Director shall determine.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of July 7, 1959
86th-1st, No. 113

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HIGHLIGHTS: House agreed to resolution to disapprove Reorganization Plan 1 on forest land authorities. House committee voted to report bills to: Extend special milk program. Require State contributions to feed and seed costs in disaster areas. Extend authority for refinancing farm loans. Senate debated mutual security bill. Senate received President's veto of housing bill. Sen. Dirksen introduced and discussed bill to extend and expand conservation reserve program.

HOUSE

1. FORESTRY; REORGANIZATION. Agreed to, 266 to 124, H. Res. 295, to disapprove Reorganization Plan No. 1 of 1959, which would transfer from Interior to this Department certain authorities for the exchange or sale of forest land and timber. p. 11618. (This action means the plan has been rejected by the Congress.)
2. MILK. The Agriculture Committee voted to report (but did not actually report) with amendment S. 1289, to increase and extend the special milk program. p. D575
3. DISASTER RELIEF. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 6861, to require contributions by State governments to the cost of feed or seed furnished to farmers, ranchers, or stockmen in disaster areas. p. D575

4. PEANUTS. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 4938, to continue the exemption of green peanuts from acreage allotments and marketing quotas. p. D575
5. FARM LOANS. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 7319, to amend Sec. 17 of the Bankhead Jones Farm Tenant Act so as to continue the authority of FHA to make real estate loans for refinancing farm debts. p. D575
6. LANDS. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 4697, to provide for conveyance of certain interests to Clemson Agricultural College in the lands previously conveyed to the college. p. D575
7. WATERSHEDS. The "Daily Digest" states that the Agriculture Committee approved two watershed projects in Washington State. p. D575
8. PERSONNEL. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 7529, to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel. p. D576
9. LEGISLATIVE PROGRAM. The "Daily Digest" states that the House will consider on Wed. H. R. 7645, to provide for the construction, alteration, and acquisition of Federal buildings. p. D575

SENATE

10. MUTUAL SECURITY. Continued debate on S. 1451, the mutual security authorization bill for 1959 (pp. 11679-81, 11700-10, 11712-19, 11720-52, 11753). Agreed to an amendment by Sen. Humphrey to provide that foreign currencies appropriated under sec. 104 (k) of Public Law 480 for scientific research, translations, and dissemination of scientific information shall be "over and above the dollar appropriations" for this purpose. Sen. Humphrey explained this was a clarifying amendment as a result of a Budget Bureau interpretation "that the soft currencies were to be taken out of dollar funds appropriated for a particular item." (pp. 11748-9)
11. HOUSING. Received from the President his veto message/ on S. 57, the housing bill for 1959. Several Senators debated the President's action in vetoing the bill. pp. 11689-700, 11752
12. MONOPOLIES. Concurred in a House amendment to S. 726, to amend the Clayton Act so as to provide for the more expeditious enforcement of cease and desist orders. This bill will now be sent to the President. pp. 11686-7, 11710-12
13. INFLATION. Sen. Butler inserted an article, "Creeping Catastrophe," discussing the dangers of inflation, and stated that he completely endorsed the report of the Cabinet Committee on price stability for economic growth. pp. 11687-8
14. CIVIL DEFENSE. Sen. Young, O., criticized the civil defense activities of the Office of Civil and Defense Mobilization, and urged that these functions be "distributed to the agencies where they properly belong." pp. 11683-5
Sen. Javits inserted and discussed a report by the Governor of N. Y. "on the civil defense posture of the United States," and stated that an effective civil defense program is indispensable to our security. pp. 11688-9



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United States
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PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, FIRST SESSION

Vol. 105

WASHINGTON, TUESDAY, JULY 7, 1959

No. 113

House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Joshua 1: 5-6: *I will not fail thee, nor forsake thee; be strong and of good courage.*

O Thou who dost control and preside over the destinies of mankind, grant that, in the deliberations and decisions of this day, our Speaker and the Members of Congress may be blessed with a great faith in Thee and in the power of righteousness.

May we be confident that our beloved country will never go down in defeat or lose its national identity, if, as citizens of this Republic and leaders in the affairs of church and state, we continue to turn toward Thee for counsel and are obedient to Thy commands.

Make us a united people, willing to exercise self-restraint and self-denial and ready to undergo any sacrifice for the honor of our country and help us to hasten the coming of that time when there shall be greater harmony and more lasting reconciliations and agreements among the nations of the earth.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 904. An act to rename the New Richmond locks and dam in the State of Ohio as the Captain Anthony Meldahl locks and dam;

H.R. 1547. An act for the relief of T. Sgt. Walter Casey;

H.R. 2065. An act for the relief of Arthur J. Dettmers, Jr.;

H.R. 2497. An act to add certain lands located in Idaho to the Boise and Payette National Forests;

H.R. 3368. An act to extend the special enlistment programs provided by section 262 of the Armed Forces Reserve Act of 1952, as amended;

H.R. 4072. An act to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended;

H.R. 4454. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by not more than 15 trustees;

H.R. 5534. An act to designate the bridge to be constructed over the Potomac River near 14th Street in the District of Columbia, under the act of July 16, 1946, as the George Mason Memorial Bridge, and for other purposes;

H.R. 5914. An act for the relief of Doctor Radboud Louwrens Beukenkamp;

H.R. 6662. An act to amend the District of Columbia Hospital Center Act in order to extend the time during which appropriations may be made for the purposes of such act; and

H.R. 7062. An act to provide for payment of annuities to widows and dependent children of Comptrollers General.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 322. An act for the relief of Monmouth County, N.J.;

H.R. 451. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable;

H.R. 1605. An act for the relief of Harry F. Lindall;

H.R. 4693. An act to amend the Bankruptcy Act so as to consolidate the referees' salary and expense funds;

H.R. 6134. An act to amend the Federal Employees Pay Act of 1945 to eliminate the authority to charge to certain current appropriations or allotments the gross amount of the salary earnings of Federal employees for certain pay periods occurring in part in previous fiscal years; and

H.J. Res. 323. Joint resolution to facilitate the admission into the United States of certain aliens.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 196. An act for the relief of Grover J. Cole;

S. 283. An act for the relief of George Orphanos;

S. 368. An act for the relief of William Reinke;

S. 506. An act for the relief of Borislav Petrovich;

S. 539. An act for the relief of Mrs. Joyce Lee Freeman;

S. 551. An act to declare portions of Bayous Terrebonne and LeCarpe, La., to be non-navigable streams;

S. 640. An act for the relief of Annibale Giovanni Pellegrini;

S. 660. An act to amend the District of Columbia Business Corporation Act;

S. 715. An act to amend the law relating to indecent publications in the District of Columbia;

S. 731. An act to extend certain traineeship provisions of the Health Amendments Act of 1956;

S. 746. An act to amend the act entitled "An act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944, as amended, and for other purposes;

S. 1135. An act for the relief of Alice Kazana;

S. 1214. An act to amend the act of March 11, 1948 (62 Stat. 78), relating to the establishment of the De Soto National Memorial, in the State of Florida;

S. 1241. An act for the relief of Sirvart Kasabian;

S. 1264. An act to amend the act providing for a program to eradicate the dogfish shark on the Pacific Coast in order to expand such program, and to provide for the development and carrying out of an emergency program for the eradication of starfish in Long Island Sound and adjacent waters;

S. 1297. An act for the relief of Salim Menashi Ellahoo Reuben;

S. 1369. An act for the relief of Yukie Arita Hale;

S. 1371. An act to repeal the act approved March 3, 1897, and to amend the act approved December 20, 1944, relating to fees for transcripts of certain records in the District of Columbia;

S. 1430. An act for the relief of Agostino Aresco;

S. 1473. An act to repeal the act of May 27, 1912, which authorized and directed the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.;

S. 1495. An act to consolidate and revise the laws relating to the employment of aliens in the several States and the District of Columbia;

S. 1509. An act to amend the Interstate Commerce Act, as amended, to provide "grandfather rights" for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska

and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, and for other purposes;

S. 1533. An act for the relief of Ho Rim Yoon Holsman;

S. 1601. An act for the relief of Mrs. Erika Elfriede Ida Ward;

S. 1613. An act for the relief of Matilda Kolich;

S. 1647. An act to amend section 4083, title 18, United States Code, relating to penitentiary imprisonment;

S. 1705. An act for the relief of Ivan (John) Persic;

S. 1791. An act for the relief of Helen Haroian;

S. 1828. An act for the relief of Kum Hung Seeto and Kum Wo Seeto;

S. 1829. An act for the relief of Herman Luchner;

S. 1921. An act to exempt from taxation certain property of the United Spanish War Veterans, Inc., in the District of Columbia;

S. 1940. An act for the relief of Maria Ioannou and Vassiliki Ioannou;

S. 1947. An act relating to the authority of the Customs Court to appoint employees, and for other purposes;

S. 2099. An act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of West Virginia into the Union as a State;

S. 2100. An act for the relief of Milka Jurisich;

S. 2148. An act to amend title XI of the Merchant Marine Act, 1936, as amended, to provide for the deposit of funds in escrow with the Secretary of Commerce, to provide for the payment of insurance, in part, on the basis of such deposits, and for other purposes;

S.J. Res. 42. Joint resolution to establish an objective for coordinating the development of the District of Columbia with the development of other areas in the Washington metropolitan region and the policy to be followed in the attainment thereof, and for other purposes;

S.J. Res. 52. Joint resolution directing the Commissioners of the District of Columbia to cause a study to be made of all factors involved in the establishment, construction, and operation of heliports within the District of Columbia; and

S.J. Res. 111. Joint resolution providing for the designation of the third week in July as "Captive Nations Week."

DISAPPROVING REORGANIZATION PLAN NO. 1 OF 1959

The SPEAKER. The unfinished business is the question on agreeing to House Resolution 295, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. If one desires to support the reorganization plan sent up here by the President, then his vote would be "no"; is that correct?

The SPEAKER. That is correct.

Mr. HALLECK. I thank the Speaker.

The SPEAKER. The question is on the resolution.

Mr. HALLECK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 266, nays 124, not voting 44, as follows:

[Roll No. 108]

YEAS—266

Abbitt
Abernethy
Addonizio
Albert
Alexander
Alford
Andrews
Anfuso
Ashley
Ashmore
Aspinall
Bailey
Baring
Barr
Barrett
Bass, Tenn.
Beckworth
Bennett, Fla.
Bennett, Mich.
Blatnik
Boggs
Bolling
Bonner
Bowles
Boykin
Boyle
Brademas
Breeding
Brewster
Brook
Brooks, Tex.
Brown, Ga.
Brown, Mo.
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Cannon
Carnahan
Carter
Casey
Celler
Church
Clark
Coad
Cohelan
Cook
Cooley
Curtis, Mo.
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Dollinger
Donohue
Dorn, S.C.
Dowdy
Downing
Doyle
Dulski
Durham
Edmondson
Elliott
Everett
Fallon
Farbstein
Fascell
Fisher
Flood
Flynn
Flynt
Foley
Forand
Forrester
Fountain
Friedel
Gallagher
Garmatz
Gary
Gathings
Gavin
George
Gialmo

Granahan
Grant
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Hagen
Haley
Hall
Hardy
Hargis
Harrison
Harris
Harrison
Hays
Healey
Hébert
Hemphill
Herlong
Hogan
Holifield
Holland
Holtzman
Huddleston
Hull
Ikard
Irwin
Jarman
Jennings
Johansen
Johnson, Calif.
Johnson, Md.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Kelly
Kilday
Kilgore
King, Calif.
King, Utah
Kirwan
Klitchin
Kluczynski
Kowalski
Landrum
Lane
Lankford
Lennon
Lesinski
Levering
Libonati
Loser
McCormack
McDowell
McFall
McGinley
McGovern
McMillan
Macdonald
Machrowicz
Mack, Ill.
Madden
Magnuson
Mahon
Marshall
Matthews
Meador
Metcalfe
Meyer
Miller, Clem
Miller, George P.
Mills
Mitchell
Montagan
Montoya
Morgan
Morris, N. Mex.
Morris, Okla.
Moss
Muller
Murphy
Murray
Natcher

Nix
Norblad
Norrell
O'Brien, Ill.
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill
Oliver
Passman
Patman
Perkins
Pfost
Philbin
Pilcher
Pillion
Poage
Porter
Preston
Price
Prokop
Pucinski
Quigley
Randall
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riley
Rivers, Alaska
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Rosenvelt
Rostenkowski
Roush
Rutherford
Santangelo
Saund
Saylor
Scott
Selden
Shelley
Sheppard
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Stead
Stratton
Stubblefield
Sullivan
Teague, Tex.
Teller
Thompson, Tex.
Thomson, Wyo.
Thornberry
Toll
Trimble
Tuck
Udall
Ullman
Vanik
Van Zandt
Vinson
Wainwright
Walter
Wampler
Watts
Whitener
Whitten
Wier
Williams
Willis
Winstead
Wolf
Wright
Yates
Young
Zablocki
Zelenko

NAYS—124

Adair
Alger
Allen
Andersen, Minn.
Arends
Avery
Ayers
Baker
Baldwin

Barry
Bass, N.H.
Bates
Baumhart
Becker
Belcher
Bentley
Berry
Betts
Bolton

Bosch
Bow
Bray
Broomfield
Brown, Ohio
Broyhill
Budge
Bush
Byrnes, Wis.
Cahill

Cederberg
Chamberlain
Chenoweth
Chiperfield
Collier
Colmer
Conte
Cramer
Cunningham
Curtin
Curtis, Mass.
Dague
Derounian
Derwinski
Devine
Dixon
Dooley
Dorn, N.Y.
Dwyer
Fenton
Fino
Ford
Frelinghuysen
Fulton
Glenn
Griffin
Gubser
Hallock
Halpern
Henderson
Hess
Hiestand

Hoeven
Hoffman, Ill.
Holt
Horan
Hosmer
Jackson
Jonas
Judd
Kearns
Keith
Knox
Lafore
Laird
Langen
Latta
Lindsay
Lippscomb
McCulloch
McDonough
McIntire
Mack, Wash.
Mailliard
Mason
May
Merrow
Michel
Milliken
Minshall
Moore
Mumma
Nelsen
Osmer

Ostertag
Pelly
Plmie
Poff
Quile
Ray
Rees, Kans.
Riehlman
Robison
St. George
Schenck
Scherer
Schwengel
Short
Siler
Simpson, Ill.
Simpson, Pa.
Smith, Calif.
Springer
Taber
Teague, Calif.
Tollefson
Utt
Van Pelt
Wallhauser
Weaver
Westland
Wharton
Widnall
Wilson
Younger

NOT VOTING—44

Anderson, Mont.
Auchincloss
Barden
Blitch
Boland
Brooks, La.
Buckley
Burdick
Canfield
Chelf
Coffin
Corbett
Evins
Felghan

Fogarty
Frazier
Goodell
Hechler
Hoffman, Mich.
Jensen
Johnson, Colo.
Kasem
Keogh
Kilburn
McSween
Martin
Miller, N.Y.
Moeller
Moorhead

Morrison
Moulder
Powell
Rabaut
Rains
Reece, Tenn.
Rogers, Mass.
Smith, Kans.
Staggers
Taylor
Thomas
Thompson, La.
Thompson, N.J.
Weis
Withrow

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Fogarty for, with Mr. Martin against.
Mr. Felghan for, with Mr. Auchincloss against.

Mr. Rabaut for, with Mr. Reece of Tennessee against.

Mr. Hoffman of Michigan for, with Mr. Corbett against.

Mr. Burdick for, with Mr. Kilburn against.

Mr. Moeller for, with Mr. Taylor against.

Mr. Moorhead for, with Mr. Goodell against.

Mr. Thompson of New Jersey for, with Mr. Withrow against.

Mr. Evins for, with Mr. Smith of Kansas against.

Mr. Staggers for, with Mr. Miller of New York against.

Mr. Morrison for, with Mr. Canfield against.

Mr. Keogh for, with Mrs. Weis against.

Mr. Buckley for, with Mr. Jensen against.

Messrs. KEARNS and COLLIER changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE ON EDUCATION AND LABOR

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

86TH CONGRESS
1ST SESSION

H. RES. 295

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1959

Mr. SMITH of Iowa submitted the following resolution; which was referred to the Committee on Government Operations

JUNE 26, 1959

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

JULY 7, 1959

Considered and agreed to

RESOLUTION

- 1 *Resolved*, That the House does not favor the Reorganiza-
- 2 tion Plan Numbered 1 of May 12, 1959, transmitted to Con-
- 3 gress by the President on the 12th day of May 1959.

RESOLUTION

To disapprove Reorganization Plan Numbered
1 of 1959.

By Mr. SMITH of Iowa

JUNE 11, 1959

Referred to the Committee on Government Operations

JUNE 26, 1959

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

JULY 7, 1959

Considered and agreed to

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued Sept. 3, 1959
For actions of Sept. 2, 1959
86th-1st, No. 153

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HIGHLIGHTS: House passed bill to enact Reorganization Plan I on forest land authorities. House sustained President's veto of public works appropriation bill. Senate agreed to consider Public Law 480 bill.

HOUSE

1. FORESTRY; REORGANIZATION. Passed under suspension of the rules H.R. 7631, to enact (with several amendments) the provisions of Reorganization Plan 1, which would transfer from Interior to this Department certain authorities for the exchange or sale of forest land and timber. pp. 16296-8.
2. PUBLIC WORKS APPROPRIATION BILL, 1960. By a vote of 274 to 133, sustained the President's veto of this bill, H.R. 7509 (a two-thirds majority being required for passage of a bill over the President's veto). The veto message and the bill were referred to the Appropriations Committee. pp. 16288-9
3. MINERALS; LANDS. Passed under suspension of the rules S. 2131, to amend the Mineral Leasing Act of 1920 so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions (pp. 16292-5). The "Daily Digest" states that the bill was passed with amendments and returned to the Senate (p. D363).
Agreed to the conference report on H.R. 6939, to increase the area of public lands in Alaska which may be held under coal lease by any one person or firm from 2,560 acres to 10,240 acres or, in some circumstances, to 15,360 acres. This bill will now be sent to the President. p. 16314

4. RECLAMATION. By a vote of 281 to 114, passed under suspension of the rules H.R. 4279, to authorize Interior to construct the La Feria division of the lower Rio Grande rehabilitation project, Tex. pp. 16295-6
 5. FISH AND WILDLIFE. Passed under suspension of the rules H.R. 5313, to authorize the appropriation of \$2,565,000 to Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife. pp. 16300-1
Passed under suspension of the rules H.R. 5004, to authorize Interior to undertake continuing research on the biology fluctuations, status, and statistics of the migratory marine species of game fish of the U.S. and contiguous waters. pp. 16299-300
 6. EXHIBITS. Agreed to the conference report on H.R. 8374, to authorize up to \$12,500,000 for Federal participation in the Century 21 Exposition to be held in Seattle, Wash., in 1961 and 1962 (including USDA participation). This bill will now be sent to the President. p. 16314
 7. ATOMIC ENERGY. The Joint Committee on Atomic Energy reported with amendment H.R. 8755, to amend the Atomic Energy Act so as to provide for Federal cooperation with the States on atomic energy, including the development of radiation standards (H. Rept. 1125). p. 16330
 8. PAYROLLING; TAXES. The "Daily Digest" states that the Rules Committee denied the granting of a rule for consideration of H.R. 3151, to provide for the withholding of city taxes by the Federal Government from the salaries of Federal employees in cities with populations of 50,000 or more. p. D864
 9. MILITARY CONSTRUCTION APPROPRIATION BILL, 1960. Conferees were granted permission until midnight Wed., Sept. 2, to file a conference report on this bill, H.R. 8575. p. 16308
 10. EDUCATION; YOUTH. Rep. Toll urged the enactment of legislation for the "fullest development of the potential of the youth of this Nation," including Federal aid for education in Federally impacted areas, and the establishment of a youth conservation corps to assist in natural resource development. pp. 16321
 11. FOREIGN TRADE. Rep. Wolf urged that the U.S. "reestablish our policy of eliminating restrictive business practices in international trade" as a means of "finding foreign markets for its industrial and agricultural products." pp. 16326-7
 12. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on H.R. 8575, the military construction appropriation bill, will probably be considered this week, and that the House will probably meet on Labor Day, Sept. 7. p. 16318
- SENATE
13. SURPLUS COMMODITIES; FOREIGN TRADE. Agreed to consider S. 1743, to extend Public Law 420, with certain limitations on time allotted for debate. Sen. Johnson announced that this bill would not be debated until the conference report on the labor bill is considered. p. 16271

only effect of it is to provide that the cancellation or forfeiture for violation of the provisions of the act shall not affect adversely the title or interest of a bona fide purchaser who acquired his interest in conformity with the acreage limitations of the act and is otherwise qualified; that the innocent purchaser will have the right to have his lease extended without payment of additional rentals for a period of time equal to that which he lost while his innocence was being determined; and to provide that a party in any proceedings now pending or later filed with respect to a violation of any provision of the Mineral Leasing Act shall have the right to be dismissed as such a party upon showing that he acquired the interest as a bona fide purchaser without violating any provisions of the act.

If this is done, activity can go forward for the next drilling season. If not, irreparable harm will be done to the national interest, to the areas involved, and to those who depend upon this activity for their jobs and livelihood.

Full hearings have been held by the House Interior and Insular Committee and before the corresponding committee of the other body. Outstanding citizens from every phase of the industry appeared as witnesses. The Department of Interior has fully considered the legislation. It has reported favorably. Its witnesses were heard. The legislation was reported by the committee unanimously. The facts are established. All have agreed.

I am confident that every Member of this House wants to protect the innocent. That is all this bill would do. I urge its favorable consideration.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, S. 2181, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOWER RIO GRANDE REHABILITATION PROJECT, TEXAS, LA FERIA DIVISION

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4279) to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, La Feria division, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 398 and Acts amendatory thereof or supplementary thereto, including the last sentence of Section 1 of the Act of October 7, 1949 (63 Stat. 724), but subject to exceptions herein contained) is authorized to undertake the rehabilitation and betterment of the works of the La Feria Water Control and Improvement District, Cameron County numbered 3, Texas, and to operate and maintain the same. Such undertaking which shall be known as the La

Feria division of the lower Rio Grande rehabilitation project, shall not be commenced until a repayment contract has been entered into by said district under the Federal reclamation laws, subject to exceptions herein contained, which contract shall provide for payment of the capital cost of the La Feria division over a basic period of not more than thirty-five years, and shall, in addition, in lieu of the excess-land provisions of the Federal reclamation laws, require the payment of interest on that pro rata share of the capital cost, which is attributable to furnishing benefits in each particular year to land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres, said interest to be at a rate determined by the Secretary of the Treasury by estimating the average annual yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May preceding the fiscal year in which the repayment contract is entered into, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from the first day of such month of May, and by adjusting such estimated average annual yield to the nearest one-eighth of 1 per centum.

SEC. 2. Title to all lands and works of the division, to the extent an interest has been vested in the United States, shall pass to the La Feria Water Control and Improvement District, Cameron County numbered 3 or its designee or designees upon payment to the United States of all obligations arising under this Act or incurred in connection with this division of the project.

SEC. 3. There is hereby authorized to be appropriated for the work to be undertaken pursuant to the first section of this Act, the sum of \$6,000,000 (January 1959 costs), plus such amount, if any, as may be required by reason of changes in costs of work of the types involved as shown by engineering indices.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, H.R. 4279 would authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the La Feria division of the lower Rio Grande rehabilitation project, Texas. The plan of rehabilitation is designed to permit more economical operation and maintenance of the irrigation district's irrigation works, provide more efficient water deliveries, reduce distribution system losses, and reduce flooding in some areas.

The legislation authorizes the appropriation of \$6 million for the project. Following the usual procedure, the actual appropriation of funds would be made later in the annual Public Works Appropriation Acts.

The La Feria division consists of the existing irrigation and drainage works of the La Feria Water Control and Improvement District, Cameron County, No. 3. The district is 1 of 37 water control and improvement districts in the lower Rio Grande Valley. The diversion and distribution works have been in continuous operation for over 40 years. The district's system is capable of serving 27,000 acres of irrigable land but it is in urgent need of modernization and improvements for efficient and economical operation. About 2 acre-feet of water

out of every 3 diverted into the distribution system are lost through seepage or other waste. It is estimated that the rehabilitation of the works will permit the saving of some 15,000 acre-feet of water annually. With the constantly increasing use of Rio Grande water for irrigation, this rehabilitation is necessary to assure the La Feria division of a continued adequate supply of water.

Mr. Speaker, I would like to emphasize two points with respect to the economic aspects of the La Feria project. The cost, estimated at \$6 million, will be fully repaid in a period of 35 years, with interest on that very small part which is attributable to furnishing benefits to ownerships in excess of 160 acres. The district has already agreed to these repayment arrangements. The other point I want to emphasize is the fact that the benefits from this development would be about 5 times the costs and, from an economic standpoint, this is one of the best projects our committee has considered.

This project does not bring into production any new land or change the existing crop pattern to any extent. It merely provides for more efficient operation of the works serving the existing lands. Fruits and vegetables, and some cotton, are the principle crops grown in the La Feria district. The average size farm is approximately 80 acres and out of 1,868 farms, only 11 exceed 160 acres and the largest single farm is 361 acres.

The Department of the Interior has submitted a project feasibility report to the Congress and a report on this legislation to the committee, both of which recommend the authorization and construction of the La Feria division. Both reports have been reviewed and cleared by the Bureau of the Budget. Although there is some local opposition to the rehabilitation work because of the cost to be assessed against the water users, the district has approved the project and the proposed repayment contract by a favorable vote at an election called for that purpose.

The La Feria division is an excellent project and urgently needed and I hope that H.R. 4279 will be passed.

Mr. Speaker, the entire \$6 million involved in this project will be repaid. It is a very worthy project and one that is needed to have the water that otherwise is going to waste.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from California.

Mr. ROOSEVELT. I should like to ask the gentleman a question concerning the types of crops which will be grown in this rehabilitation area. It is my understanding that most of the area will produce fruits and vegetables and only a small percentage of it will produce cotton.

Mr. ROGERS of Texas. That is right. This is the winter garden area of Texas. It is in the Rio Grande Valley area and most of it is truck gardening. These farmers who are involved are all small farmers; these are all small tracts, I believe around 80 acres. They are farms of that kind on which people live and

from which they make their living. The water that is presently being used is lost, two-thirds of it that comes through the canal is lost. When you lose 66⅔ percent of the water, it is a serious situation so far as the economy is concerned. In my opinion it will not increase the production of any surplus crops. I think the record before the committee will show that.

Mr. ROOSEVELT. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, this is one of the finest examples of a reclamation project that has been brought before the House Committee on Interior and Insular Affairs since I have been a member. This is a type of project, which, in my opinion, the Reclamation Act was originally passed to take care of. These are small home farms producing what are known as row crops producing food for consumption and not for the Commodity Credit Corporation. I certainly feel the House is taking the proper action today in this suspension of the rules. I urge the suspension of the rules and the passage of this bill.

The SPEAKER pro tempore (Mr. WALTER). The question is, Will the House suspend the rules and pass the bill, H.R. 4279, with amendments?

The question was taken; and the Speaker pro tempore announced in the opinion of the Chair, two-thirds had voted in the affirmative.

Mr. CLEM MILLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 281, nays 114, not voting 39, as follows:

[Roll No. 156]

YEAS—281

Abbott	Brooks, Tex.	Downing
Abernethy	Broomfield	Doyle
Adair	Brown, Ga.	Durham
Albert	Brown, Mo.	Edmondson
Alexander	Broyhill	Elliott
Alford	Buckley	Everett
Alger	Burdick	Evins
Andersen	Burke, Ky.	Fallon
Minn.	Burke, Mass.	Fascell
Anderson	Burleson	Feighan
Mont.	Byrne, Pa.	Fisher
Ashmore	Cannon	Flood
Aspinall	Carnahan	Flynt
Avery	Carter	Fogarty
Ayres	Casey	Foley
Baldwin	Celler	Forand
Baring	Chelf	Forrester
Barrett	Chenoweth	Fountain
Barry	Chenoweth	Frazier
Bass, N.H.	Clark	Frelinghuysen
Bass, Tenn.	Coffin	Friedel
Beckworth	Colmer	Garmatz
Belcher	Conte	Gary
Bennett, Fla.	Corbett	Gathings
Bennett, Mich.	Cramer	Gavin
Bentley	Cunningham	George
Berry	Curtin	Glenn
Blitch	Curtis, Mass.	Goodell
Boggs	Curtis, Mo.	Granahan
Boland	Davis, Ga.	Grant
Bolling	Dawson	Gray
Bowles	Deaney	Green, Pa.
Boyle	Denton	Griffiths
Bray	Donohue	Gubser
Brewster	Dooley	Haley
Brook	Dorn, S.C.	Halleck
Brooks, La.	Dowdy	Hardy

Hargis	Mahon	Rostenkowski
Harmon	Mailliard	Roush
Harris	Marshall	Rutherford
Harrison	Matthews	Saund
Hays	May	Saylor
Healey	Meader	Schenck
Hemphill	Marrow	Schwengel
Henderson	Metcalf	Scott
Herlong	Michel	Selden
Hoffman, Ill.	Miller,	Shelley
Holland	George P.	Sheppard
Horan	Mills	Shipley
Hosmer	Mitchell	Short
Huddleston	Moeller	Simpson, Ill.
Hull	Montoya	Simpson, Pa.
Ikard	Morgan	Sisk
Inouye	Moorhead	Smith, Kans.
Irwin	Morris, N. Mex.	Smith, Miss.
Jarman	Morris, Okla.	Smith, Va.
Jennings	Moss	Spence
Jensen	Moulder	Springer
Johnson, Calif.	Multer	Steed
Johnson, Colo.	Murphy	Stratton
Johnson, Md.	Murray	Stubblefield
Johnson, Wis.	Natcher	Sullivan
Jones, Ala.	Nelsen	Teague, Calif.
Karsten	Nix	Teague, Tex.
Kee	Norblad	Teller
Keith	Norrell	Thomas
Kelly	O'Brien, Ill.	Thompson, La.
Keogh	O'Hara, Ill.	Thompson, Tex.
Kilday	O'Neill	Thomson, Wyo.
Kingore	Oliver	Thornberry
King, Calif.	Passman	Toll
King, Utah	Patman	Tollefson
Kirwan	Pelly	Trimble
Kitchin	Perkins	Tuck
Kluczynski	Pfost	Udall
Knox	Philbin	Ullman
Lafore	Preston	Van Zandt
Landrum	Price	Vinson
Lane	Prokop	Walter
Langen	Quigley	Wampler
Lankford	Rabaut	Watts
Lennon	Rains	Weaver
Levering	Randall	Weis
Libonati	Rees, Kans.	Whitener
Lipscomb	Rhodes, Ariz.	Whitten
Loser	Rhodes, Pa.	Widnall
McCormack	Riehlman	Wier
McFall	Riley	Williams
McGinley	Rivers, Alaska	Willis
McGovern	Roberts	Winstead
McIntire	Rogers, Calif.	Withrow
McMillan	Rogers, Fla.	Wolf
McSweeney	Rogers, Mass.	Wright
Macdonald	Rogers, Tex.	Young
Mack, Ill.	Rooney	Younger

NAYS—114

Addonizio	Faybstein	Miller, Clem
Allen	Fenton	Miller, N.Y.
Arends	Fino	Milliken
Ashley	Flynn	Monagan
Auchincloss	Fulton	Moore
Barr	Gallagher	Mumma
Bates	Glaumo	O'Hara, Mich.
Becker	Green, Oreg.	O'Konski
Betts	Griffin	Osmers
Blatnik	Gross	Ostertag
Bosch	Hagen	Pillion
Bow	Halpern	Pirnie
Brademas	Hechler	Poff
Brown, Ohio	Hess	Porter
Budge	Hiestand	Pucinski
Bush	Hoeven	Quile
Byrnes, Wis.	Hoffman, Mich.	Ray
Cahill	Hogan	Reuss
Cederberg	Holt	Robison
Chamberlain	Holtzman	Rodino
Church	Johansen	Roosevelt
Coad	Jonas	Santangelo
Cohelan	Judd	Scherer
Collier	Karth	Siler
Cook	Kasem	Slack
Daddario	Kastenmeyer	Smith, Calif.
Dague	Kearns	Smith, Iowa
Daniels	Kilburn	Staggers
Davis, Tenn.	Kowalski	Taber
Dent	Laird	Taylor
Derounian	Latta	Thompson, N.J.
Devine	Lindsay	Vanik
Diggs	McCulloch	Wainwright
Dingell	Mack, Wash.	Wallhauser
Dixon	Madden	Wharton
Dorn, N.Y.	Martin	Yates
Dulski	Mason	Zablocki
Dwyer	Meyer	Zelenko

NOT VOTING—39

Andrews	Bolton	Derwinski
Anfuso	Bonner	Dollinger
Bailey	Boykin	Ford
Baker	Breeding	Hall
Bardou	Canfield	Hébert
Baumhart	Cooley	Hollfield

Jackson	Minshall	Rivers, S.C.
Jones, Mo.	Morrison	St. George
Lesinski	O'Brien, N.Y.	Sikes
McDonough	Pilcher	Utt
McDowell	Poage	Van Pelt
Machrowicz	Powell	Westland
Magnuson	Reece, Tenn.	Wilson

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Morrison for, with Mr. Carter against.

Mr. Anfuso and Mr. Lesinski for, with Mr. Ford against.

Mr. Hollfield and Mr. O'Brien of New York for, with Mr. Van Pelt against.

Until further notice:

Mr. Rivers of South Carolina with Mrs. Bolton.

Mr. Sikes with Mr. Baumhart.

Mr. Machrowicz with Mrs. St. George.

Mr. Powell with Mr. Westland.

Mr. Hall with Mr. Reece of Tennessee.

Mr. Dollinger with Mr. Jackson.

Mr. Cooley with Mr. Derwinski.

Mr. Breeding with Mr. Baker.

Mr. Bailey with Mr. Wilson.

Mr. McDowell with Mr. Utt.

Mr. Andrews with Mr. Minshall.

Mr. Pilcher with Mr. McDonough.

Mr. Magnuson with Mr. Canfield.

Mr. ADDONIZIO, Mr. COOK, Mr. PORTER, Mr. BOSCH, Mr. RAY, and Mr. CHAMBERLAIN changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ENACTING THE PROVISIONS OF REORGANIZATION PLAN NO. 1 OF 1959 WITH CERTAIN PROVISIONS

Mr. SMITH of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7681) to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44

Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The function of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(l) The functions of the Secretary of the Interior under section 402 of Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947 (61 Stat. 681), as amended by the Act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

Sec. 2(a). In no case covered by subsections (a), (b), (e), (g), and (h) of section 1 hereof shall the exchange provide for the patenting of land by the United States without a reservation of minerals (1) unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that the land is nonmineral in character, or (2) unless the Secretary of the Interior approves of the valuation and disposition of the minerals in the lands to be patented. A sale of land covered by subsection (j) of section 1 hereof shall be made by the Secretary of Agriculture without a reservation of minerals only after consultation with, and the approval of, the Secretary of the Interior as to the valuation and disposition of the minerals. No lands of the United States shall be exchanged in any case covered by subsection (f) of section 1 hereof unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that such lands are nonmineral in character.

(b) Nothing in this Act shall be construed to authorize the Secretary of Agriculture to determine or adjudicate the validity or invalidity of any mining claim or part thereof.

(c) Nothing in subsection (l) of section 1 hereof shall be construed to authorize the Secretary of Agriculture to dispose of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur, or to dispose of any minerals which would be subject to disposal under the mining laws if said laws were applicable to the lands in which the minerals are situated.

(d) Upon approval by the Secretary of Agriculture pursuant to the provisions of this Act of any exchange or sale, respectively, of national forest lands under the provisions of law referred to in subsections (a), (b), (e), (f), (g), and (j) of section 1, hereof, the Secretary of the Interior, upon the recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(e) All conveyances under the Act referred to in subsection (h) of section 1 hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

The SPEAKER pro tempore (Mr. WALTER). Is a second demanded?

Mr. BROWN of Ohio. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, H.R. 7681 would enact the basic provisions of Reorganization Plan No. 1 of 1959, with certain amendments which the Committee on Government Operations believes are needed to protect the public interest. The committee held hearings on the plan and found it subject to several serious objections. The committee also recognized that the plan would eliminate some duplication and overlapping of functions and be in the public interest if certain objectionable features were eliminated. However, under the Reorganization Act of 1949, as amended—title 5, United States Code, section 133z—no provision is made whereby either the Congress or either House can amend the plan as such, without separate legislation. Accordingly, the committee recommended the adoption of House Resolution 295 to disapprove the plan—see House Report No. 586, 86th Congress—and the House adopted the resolution on July 7, 1959. The committee also recommended adoption of the bill H.R. 7681, as amended, which would enact the beneficial features of the plan, together with some amendments to the plan which the committee believes are in the public interest.

The principal effects of Reorganization Plan No. 1 of 1959, as transmitted by the President, would have been as follows:

First. It would have transferred to the Secretary of Agriculture all the functions of the Secretary of the Interior in making exchanges of public national forest lands for private lands and in making sales of such lands, except the purely ministerial function of issuing patents or conveyances for such land. H.R. 7681 retains some of these functions in the Secretary of the Interior, namely, those relating to retention or disposition of minerals in the lands to be patented.

Second. The plan would have transferred to the Secretary of Agriculture

all the functions of the Secretary of the Interior in selling certain mineral materials on acquired national forest lands. H.R. 7681 contains provisions to insure that the Secretary of Agriculture shall not use the materials act to dispose of minerals which are subject to the mineral leasing acts and the mining law.

Third. The plan would have specifically authorized the Secretary of Agriculture to redelegate the functions transferred to him by the plan to any officer or employee of the Agriculture Department pursuant to section 4(a)—and without complying with the provisions of 4(b)—of Reorganization Plan No. 2 of 1953 (67 Stat. 633). This provision is not contained in H.R. 7681.

The committee believes H.R. 7681 will enact the positive and beneficial features of the plan. In addition, the bill makes several amendments to the plan. These amendments would, first, insure that the Secretary of the Interior would continue to have responsibility and functions with respect to minerals in the lands which are exchange or sold; second, insure that the Secretary of Agriculture would not assume the function of determining or adjudicating the validity of mining claims which conflict with forest exchange or sale applications; third, insure that the Secretary of Agriculture would not, under the Materials Act, dispose of minerals subject to the mineral leasing or mining laws; and fourth, omit a reference in the President's plan which would have permitted a broad and unlimited delegation of authority without any obligation to provide advance public notice and opportunity for the public to express views or take action on the proposed delegation.

The enactment of the bill will eliminate duplication of work on such matters as checking legal titles, processing papers through the Land Office, publication of notices of pending exchanges, cross-checking between the departments on the status of cases being processed, and in other respects. The bill will also remove inconveniences to the public which have resulted from the fact that persons wishing to make exchanges or to purchase certain lands or certain common mineral materials on forest lands must deal with two offices—one in the Agriculture Department and one in the Interior Department. Under the bill all dealings by the public on the subjects covered would, in general, be solely with the Forest Service of the Department of Agriculture. Any cross-checking that may be required can be accomplished by the Forest Service at the same time it is processing other phases of the transaction and thus all delays now found in the relationship of the two departments can be avoided.

H.R. 7681 was reported by the Committee on Government Operations on July 3, 1959. At that time Reorganization Plan No. 1 of 1959 had not yet been disapproved. Consequently, and naturally, at that time the executive departments and the Bureau of the Budget expressed opposition to the bill and support of the plan.

Following the disapproval of the plan, the chairman of the committee ascertained that the executive agencies then

desired the enactment of most of the provisions of H.R. 7681. Disagreement existed only with respect to section 2(a) of the bill. As reported by the committee, section 2(a) would require the Secretary of the Interior to participate in and approve determinations involving, first, whether lands are mineral or non-mineral in character; second, whether or not minerals shall be reserved to the United States; and third, the value of mineral rights in land; and, as amended by the committee, the bill further would require that any regulations made concerning the matters covered by section 2(a) must be approved by the Secretary of the Interior and the Secretary of Agriculture.

The agencies believed that as reported section 2(a) might complicate the handling of forest exchanges. Consequently, a revised section 2(a) has been worked out which is acceptable to the Department of Agriculture, the Department of the Interior, and the Bureau of the Budget. Under the revision which has been agreed upon, forest lands could be patented by the Secretary of Agriculture without a reservation of minerals in exchange for private lands under subsections (a), (b), (e), (g), and (h) of section 1 only if he had been advised by the Secretary of the Interior that the land to be patented is nonmineral in character or if he has the approval of the Secretary of the Interior as to the valuation and disposition of the minerals in the lands to be patented. Lands would be exchanged under subsection (f) of section 1 only if the Secretary of Agriculture had been advised by the Secretary of the Interior that the lands to be conveyed by the United States were nonmineral in character. No reference is made in the revised section 2(a) to exchanges under subsections (c) and (d) of section 1 since both of those subsections are concerned solely with exchange of national forest timber for privately owned lands. In addition, the revised section 2(a) provides that sales of certain lands within the Tongass National Forest in Alaska, under subsection (j) of section 1, may be made by the Secretary of Agriculture without a reservation of minerals only after having consulted with the Secretary of the Interior and having obtained his approval as to the valuation and disposition of the minerals.

As I have stated, the two departments and the Budget Bureau have agreed to the revised amendment.

I am informed that the eminent chairman of the Committee on Interior and Insular Affairs, who strongly urged the disapproval of the reorganization plan as it was originally presented by the President, also concurs in the amendment which I shall propose.

The revised section 2(a) will assure (a) that determinations as to the mineral character of the land to be exchanged will be the responsibility of the Secretary of the Interior, and (b) that the Secretary of Agriculture will not dispose of minerals in forest exchanges and sales without the concurrence of the Secretary of the Interior. This takes care of the two major objections to the plan.

Mr. Speaker, I believe H.R. 7681 will

achieve efficiency and economy in our Government, remove some of the overlapping and duplication in connection with exchanges and sales of public national forest lands, and disposal of common mineral materials in such lands, remove certain inconveniences to the public, and help give us protection against the disposal of Government-owned minerals for less than value. I urge the adoption of the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Iowa [Mr. SMITH], the author of this bill, has explained, this measure, H.R. 7681, was originally introduced by him on June 11, 1959, and reported to the House on July 6, 1959, for the purpose of doing approximately the same thing as was provided in the Reorganization Plan No. 1, submitted by the President of the United States. At the time Reorganization Plan No. 1 was before the House, considerable controversy arose over the reporting of the bill, H.R. 7681, without, what the minority believed, were proper hearings. As a result, a minority report was filed at that time with the bill which, of course, no longer pertains to this measure inasmuch as it has been amended and changed, or will be by the adoption of this amendment. This amendment was worked out, as the gentleman from Iowa has so ably explained by the majority and minority members of the subcommittee of which I was the ranking member.

I am taking charge of the time on the bill on this side of the House today at the request of the ranking member of the full committee, the gentleman from Michigan [Mr. HOFFMAN].

This amendment was worked out to the satisfaction of the members of the subcommittee and of the full committee, and also to the satisfaction of the Bureau of the Budget, the Department of Agriculture, and the Department of the Interior. So we have agreed completely, fully and unanimously on the approval of this bill with the amendment as has been reported by the gentleman from Iowa. So, therefore, I hope there will be full support for the measure as amended.

Mr. Speaker, I have no further requests for time.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa that the rules be suspended and the bill be passed.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADMIT VESSEL "JOHN F. DREWS" TO AMERICAN REGISTRY

Mr. GEORGE P. MILLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3792) to admit the vessel *John F. Drews* to American registry and to permit its use in the coastwise trade while it is owned by Merritt-Chapman & Scott Corp. of New York.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the vessel now known as the "*John F. Drews*" (F-X-Tioga; WYT-74 (Calumet (USCG))), documented under United States registry with official number 252202, built in 1894 in Buffalo, New York, presently under Canadian registry by permission of transfer order numbered MA-4583, and owned on the date of this Act by Merritt-Chapman and Scott Corporation of New York, shall be admitted to American registry and shall be entitled to engage in the coastwise trade and to transport passengers and merchandise between points in the United States, including districts, Territories, and possessions thereof embraced within the coastwise laws, for so long as such vessel is from the date of enactment of this Act continuously owned by Merritt-Chapman and Scott Corporation of New York.

The SPEAKER pro tempore. Is a second demanded?

Mr. TOLLEFSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California will be recognized for 20 minutes and the gentleman from Washington for 20 minutes.

Mr. GEORGE P. MILLER. Mr. Speaker, I yield myself such time as I may need.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. GEORGE P. MILLER. Mr. Speaker, the purpose of this bill is to authorize the readmission of the vessel *John F. Drews* to American registry and to permit its use in the coastwise trade while it is owned by Merritt-Chapman & Scott Corp. of New York.

The *John F. Drews* is the former U.S. Coast Guard tug, *Calumet*, built of steel construction in 1894 at Buffalo, N.Y. The vessel is 124 gross tons, 900 horsepower, and is 90.7 feet in length.

A little more than a year ago this vessel was transferred to Canadian registry with the approval of the Federal Maritime Administration, for the specific purpose of being used in conjunction with dredging and marine construction operations in the St. Lawrence Seaway and power development project, in which the U.S. Government is a participant.

Under present law, vessels which formerly had coastwise privileges by virtue

86TH CONGRESS
1ST SESSION

H. R. 7681

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3 (legislative day, AUGUST 31), 1959

Read twice and referred to the Committee on Government Operations

AN ACT

To enact the provisions of Reorganization Plan Numbered 1
of 1959 with certain amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That, except as otherwise provided in section 2 hereof, the
4 following functions are hereby transferred to the Secretary
5 of Agriculture:

6 (a) The functions of the Secretary of the Interior under
7 the Act of March 20, 1922, 42 Stat. 465, as amended (16
8 U.S.C. 485, 486), with respect to exchanges of non-Federal
9 lands for national forest lands or timber.

10 (b) The functions of the Secretary of the Interior

1 under the Act of February 2, 1922 (42 Stat. 362), with
2 respect to exchanges of lands in private ownership within
3 or within six miles of the Deschutes National Forest for
4 national forest lands, or for timber from any national forest,
5 in the State of Oregon.

6 (c) The functions of the Secretary of the Interior under
7 the Act of June 7, 1924 (43 Stat. 643), except section 2
8 thereof, with respect to exchanges of privately owned lands
9 for national forest timber in New Mexico.

10 (d) The functions of the Secretary of the Interior under
11 the Act of January 12, 1925 (43 Stat. 739), except section
12 2 thereof, with respect to exchanges of privately owned
13 lands for national forest timber in New Mexico.

14 (e) The functions of the Secretary of the Interior under
15 the Act of April 21, 1926 (44 Stat. 303), except section
16 2 thereof, with respect to exchanges of privately owned
17 lands for national forest lands or timber in New Mexico and
18 Arizona.

19 (f) The functions of the Secretary of the Interior under
20 section 2 of the Act of May 26, 1926 (44 Stat. 655; 16
21 U.S.C. 38), with respect to exchanges of lands held in
22 private or State ownership for national forest lands or timber
23 in Montana.

24 (g) The functions of the Secretary of the Interior under
25 the Act of June 15, 1926 (44 Stat. 746), with respect to

1 exchanges of State lands for national forest lands in New
2 Mexico.

3 (h) The functions of the Secretary of the Interior under
4 the Act of December 7, 1942 (56 Stat. 1042), with respect
5 to exchange transactions in which lands under the jurisdic-
6 tion of the Secretary of Agriculture are exchanged for State
7 lands in Minnesota which are to be under the jurisdiction
8 of the Secretary of Agriculture after their acquisition by the
9 United States.

10 (i) The function of the Secretary of the Interior
11 (originally vested in the Commissioner of the General Land
12 Office) under section 6 of the Act of April 28, 1930 (46
13 Stat. 257; 43 U.S.C. 872), with respect to execution of
14 quitclaim deeds for lands conveyed to the United States in
15 connection with exchange transactions involving lands under
16 the jurisdiction of the Secretary of Agriculture.

17 (j) The functions of the Secretary of the Interior under
18 section 2 (b) of the Joint Resolution of August 8, 1947
19 (61 Stat. 921), with respect to appraisals and sales of cer-
20 tain lands within the Tongass National Forest.

21 (k) The functions of the Secretary of the Interior under
22 section 10 of the Act of March 1, 1911 (36 Stat. 962; 16
23 U.S.C. 519), with respect to sales of small tracts of acquired
24 national forest lands found chiefly valuable for agriculture.

25 (l) The functions of the Secretary of the Interior under

1 section 402 of Reorganization Plan Numbered 3 of 1946
2 (60 Stat. 1099), section 3 of the Act of September 1, 1949
3 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950
4 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of
5 June 28, 1952 (66 Stat. 285), or otherwise, with respect
6 to the use and disposal from lands under the jurisdiction of
7 the Secretary of Agriculture of those mineral materials which
8 the Secretary of Agriculture is authorized to dispose of from
9 other lands under his jurisdiction under the Act of July 31,
10 1947 (61 Stat. 681), as amended by the Act of July 23,
11 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

12 SEC. 2. (a) In no case covered by subsections (a),
13 (b), (c), (g), and (h) of section 1 hereof shall the ex-
14 change provide for the patenting of land by the United
15 States without a reservation of minerals (1) unless the
16 Secretary of Agriculture has obtained the advice of the
17 Secretary of the Interior that the land is nonmineral in
18 character, or (2) unless the Secretary of the Interior ap-
19 proves of the valuation and disposition of the minerals in
20 the lands to be patented. A sale of land covered by sub-
21 section (j) of section 1 hereof shall be made by the Sec-
22 retary of Agriculture without a reservation of minerals only
23 after consultation with, and the approval of, the Secretary of

1 the Interior as to the valuation and disposition of the
2 minerals. No lands of the United States shall be exchanged
3 in any case covered by subsection (f) of section 1 hereof
4 unless the Secretary of Agriculture has obtained the advice
5 of the Secretary of the Interior that such lands are non-
6 mineral in character.

7 (b) Nothing in this Act shall be construed to authorize
8 the Secretary of Agriculture to determine or adjudicate the
9 validity or invalidity of any mining claim or part thereof.

10 (c) Nothing in subsection (l) of section 1 hereof shall
11 be construed to authorize the Secretary of Agriculture to dis-
12 pose of coal, phosphate, sodium, potassium, oil, oil shale,
13 gas, or sulfur, or to dispose of any minerals which would
14 be subject to disposal under the mining laws if said laws
15 were applicable to the lands in which the minerals are
16 situated.

17 (d) Upon approval by the Secretary of Agriculture pur-
18 suant to the provisions of this Act of any exchange or sale,
19 respectively, of national forest lands under the provisions of
20 law referred to in subsections (a), (b), (e), (f), (g), and
21 (j) of section 1, hereof, the Secretary of the Interior, upon
22 the recommendation of the Secretary of Agriculture, shall
23 issue the patent therefor.

1 (e) All conveyances under the Act referred to in sub-
2 section (h) of section 1 hereof of national forest lands re-
3 served from the public domain shall, upon recommendation
4 of the Secretary of Agriculture, be made by the Secretary of
5 the Interior.

Passed the House of Representatives September 2, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To enact the provisions of Reorganization Plan
Numbered 1 of 1959 with certain amend-
ments.

SEPTEMBER 3 (legislative day, AUGUST 31), 1959
Read twice and referred to the Committee on
Government Operations

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued May 11, 1960
For actions of May 10, 1960
86th-2d, No. 85

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HIGHLIGHTS: House began debate on agricultural appropriation bill. Senate committee voted to report bill to enact Reorganization Plan I on forest land authorities. Sens. Clark and Hartke urged President to approve depressed areas bill. Sen. Sparkman introduced and discussed cotton price support bill.

SENATE

- 1. FORESTRY; REORGANIZATION.** The Government Operations Committee voted to report (but did not actually report) with amendments H. R. 7681, to enact the provisions of Reorganization Plan 1, which would transfer from Interior to this Department certain authorities for the exchange or sale of forest land and timber. p. D395
- 2. PROPERTY.** The Government Operations Committee voted to report (but did not actually report) without amendment H. R. 9983, to extend for two years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by RFC to other Government agencies. p. D395
- 3. RURAL COMMUNITIES.** The Government Operations Committee voted to report (but did not actually report) S. 3140, to provide for the establishment of a commission on problems of small towns and rural communities. p. D395

4. LAND ACQUISITION. The Government Operations Committee voted to report (but did not actually report) with amendments S. 2583, to authorize Federal agencies to reimburse certain landowners for their moving expenses when the land is acquired by the Federal Government. p. D395
5. BUDGET; ACCOUNTING. The Government Operations Committee discussed, but took no action on, the following bills: S. 1560, to provide for the adoption of a capital budget by the Federal Government; S. 1244, to amend the Employment Act of 1946 so as to establish policies with respect to productive capital investments of the Government; S. 2122, to require semiannual reports by the Secretary of the Treasury with respect to the financial commitments and contingencies of the Government; and S. 2373, to authorize the President to reduce or eliminate by Executive Order any appropriations or appropriations made by any act or joint resolution of Congress. p. D395
6. SURPLUS PROPERTY. The Government Operations Committee indefinitely postponed action on S. 2582, to promote the utilization of excess property and to simplify the reimbursement procedures for transfers of such property. p. D395
7. PERSONNEL; TRAVEL ALLOWANCES. The Government Operations Committee agreed to hold hearings on H. R. 5196, to increase the maximum rates of per diem allowances for Federal employees traveling on official business. p. D395
8. VETERANS' BENEFITS. A subcommittee of the Labor and Public Welfare Committee voted to report the following bills: p. D395
S. 3275, with amendment, to extend the veterans' guaranteed loan programs relating to home, farm, and business loans.
S. 3274, without amendment, to authorize certain veterans pursuing courses of vocational rehabilitation training to continue until such courses are completed.
9. ATOMIC ENERGY. Passed without amendment H. R. 11713, authorizing appropriations for the Atomic Energy Commission (pp. 9129-40). Consideration of a similar bill, S. 3387, was indefinitely postponed. The House bill will now be sent to the President.
10. DEPRESSED AREAS. Sens. Clark and Hartke urged the President to approve S. 722, to provide Federal assistance to economically depressed areas. pp. 9140-1
11. FEDERAL TRADE. Both Houses received the annual report of the Federal Trade Commission. pp. 9103, 9210
12. WATER RIGHTS. Received a Miss. Legislature resolution urging the Congress and the President to safeguard and preserve established State and individual rights to the use of water within the States. pp. 9103-4
13. ELECTRIFICATION. Sen. Stennis commended the Rural Electrification Administration on its 25th anniversary "for the truly great contribution it has made to agriculture and for the outstanding leadership which has made this progress possible." p. 9114
14. SCIENCE. Sen. Johnson commended the National Science Foundation on its 10th anniversary, and inserted an article by Alan R. Waterman, Director of the Foundation, discussing the activities and accomplishments of the Foundation during the past 10 years. pp. 9116-23

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Senate committee reported bill to transfer forest land authorities from Interior to USDA. Sens. Bush, Clark, and Gruening discussed President's veto of depressed areas bill. House committee reported legislative branch appropriation bill. Rep. Johnson, Wis., introduced and discussed bill to increase support levels for manufacturing milk.

SENATE

- 1. FORESTRY.** The Government Operations Committee reported without amendment H. R. 7681, to provide for the transfer from Interior to this Department of certain authorities for the exchange or sale of forest land and timber (S. Rept. 1353). p. 9581
- 2. PROPERTY.** The Government Operations Committee reported without amendment H. R. 9983, to extend for two years the period during which payments in lieu of taxes may be made with respect to certain real property transferred by RFC to other Government agencies (S. Rept. 1352). p. 9581
- 3. LAND ACQUISITION.** The Government Operations Committee reported with amendment S. 2583, to authorize Federal agencies to reimburse certain landowners for their moving expenses when the land is acquired by the Federal Government (S. Rept. 1374). p. 9581
- 4. DEPRESSED AREAS.** Sen. Bush commended the President's veto of S. 722, the depressed areas bill, stated that "because I agree with the objections to S. 722 which have been stated by the President, and because I resent the efforts which have been made to play politics with human misery, I shall vote to sustain the veto," and inserted a comparison of the administration's area assistance

bill (S. 1064 and H. R. 4278) with the vetoed bill, S. 722. pp. 9588-90

Sen Clark criticized the President's veto of S. 722, and stated that "the six reasons given for the veto are so hollow that it is clear this is merely a political veto." p. 9592

Sen. Gruening criticized the President's veto of S. 722 when "Federal dollars are to be used for the same types of things abroad," and inserted a list showing the cumulative status of loans and commitments under the Development Loan Fund to aid foreign countries. pp. 9607-11

5. BRUCELLOSIS ERADICATION. Sen. Carlson inserted a Kan. Livestock Commission resolution urging Congress, through this Department, to make additional funds available for the brucellosis eradication program in Kan. p. 9581
6. PERSONNEL; TRAINING. Both Houses received from the President the annual report on training of Federal employees under authority of the Government Employees Training Act. pp. 9578, 9632-3
7. NOMINATIONS. Confirmed the nominations of Lester Clyde Carter and Robert T. Lister to be members of the Federal Farm Credit Board. p. 9612

HOUSE

8. AREA REDEVELOPMENT. Rep. Saylor inserted an article urging Congress and the President to compromise on an area redevelopment program acceptable to both. p. 9618
9. PESTICIDE CHEMICALS. Passed without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservative" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. p. 9618
Rep. Dingell discussed and inserted an article urging support for Rep. Wolf's proposal which would "provide that no Federal agency shall embark on chemical biological controls without first consulting with the U. S. Fish and Wildlife Service and the corresponding State agencies in the areas involved." pp. 9639-40
10. DESERT LANDS. Passed as reported H. R. 11706, to authorize an extension of time for final proof of qualifications of certain entrymen under the desert land laws. p. 9620
11. PERSONNEL. Passed over at the request of Rep. Ford H. R. 4271, to validate the salary overpayments made to certain officers and employees incident to the salary adjustment provisions of the Federal Employees Salary Increase Act of 1955. p. 9620
Passed over at the request of Rep. Weaver H. R. 8074, to permit the assignment of agricultural attaches to positions in the U. S. for a maximum of 4 years without reduction in grade. p. 9618
Received from the Attorney General a proposed bill to "amend section 507 of the Classification Act of 1949, as amended, with respect to the preservation of basic compensation in downgrading actions"; to Post Office and Civil Service Committee. p. 9645

H.R. 7681, TO ENACT THE PROVISIONS OF REORGANIZATION PLAN NO. 1 OF 1959 WITH CERTAIN AMENDMENTS

MAY 16, 1960.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Government Operations, submitted the following

REPORT

[To accompany H.R. 7681]

The Committee on Government Operations, to whom was referred a bill (H.R. 7681) to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments, report favorably thereon without amendments and recommend that the bill do pass.

As its title indicates, H.R. 7681, which passed the House of Representatives September 2, 1959, would enact with certain clarifying amendments, the provisions of Reorganization Plan No. 1 of 1959, submitted by the President to the Congress on May 12, 1959, which was disapproved by the House on July 7, 1959.

Plan No. 1 of 1959, as submitted to the Congress, would have transferred from the Secretary of the Interior to the Secretary of Agriculture certain administrative functions relating to the exchange of private or of State-owned lands for national forest lands or other Federal lands administered by the Secretary of Agriculture. Its provisions follow:

REORGANIZATION PLAN NO. 1 OF 1959

SECTION 1. Except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within

six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The functions of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the joint resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(l) The functions of the Secretary of the Interior under section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311, 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture

is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947, 61 Stat. 681, as amended by the Act of July 23, 1955, 69 Stat. 367 (30 U.S.C. 601 et seq.).

SEC. 2(a). Upon exchange of national forest lands under the provisions of law referred to in sections 1 (a), (b), (c), (f), and (g) hereof the Secretary of the Interior, on recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(b) All conveyances under the Act referred to in section 1(h) hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

(c) Upon the sale of lands under the section referred to in section 1(j) of this reorganization plan the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, shall issue the patent therefor.

SEC. 3. The functions transferred to the Secretary of Agriculture by the provisions of this reorganization plan shall be subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953 (67 Stat. 633).

(See appendix 1 for a compilation of the statutes referred to in Reorganization Plan No. 1 of 1959 and appendix 2 for a description of the functions transferred to the Secretary of Agriculture by the plan.)

ANALYSIS OF REORGANIZATION PLAN NO. 1 OF 1959

Plan No. 1 of 1959 would have transferred from the Secretary of the Interior to the Secretary of Agriculture the function of accepting title on behalf of the United States to private or State-owned lands exchanged, on recommendation of the Secretary of Agriculture, for national forest lands or other lands administered by the Secretary of Agriculture.

Under the Exchange Act of 1922 (16 U.S.C. 485, 486) as amended, as well as the other land-exchange statutes cited by plan No. 1 of 1959, the Secretary of the Interior must make the final determination whether the exchange of forest lands or timber recommended by the Secretary of Agriculture is within the public interest, accept title on behalf of the Government to the private or State-owned lands acquired through the exchange process and carry out certain other transactions incidental to the exchanges.

The Federal lands or timber exchanged for private or State-owned lands under the authority transferred by plan No. 1 of 1959 are within the jurisdiction of the Secretary of Agriculture, not within the jurisdiction of the Secretary of the Interior. The private or State-owned lands acquired by the Government through the exchange process also become within the jurisdiction of the Secretary of Agriculture, upon acceptance of title, for administration by him within the purview of applicable laws.

Before recommending an exchange, the Department of Agriculture makes a complete appraisal in the field, makes a determination that the transaction is in the public interest and, if a protest is entered after the exchange is filed, develops the information upon which a competent decision may be made. The requirement that the Depart-

ment of Interior approve these actions, also make a determination that the transaction is in the public interest and accept title to the exchanged lands results in dual responsibility, major duplications in the exchange process and often requires the private parties to an exchange to deal with two departments of government on the same matter.

The Secretary of the Interior, the Secretary of Agriculture, and the Director of the Bureau of the Budget each recommended that this dual responsibility be eliminated by transferring the authority for administration of the exchange statutes to the Secretary of Agriculture. Plan 1 of 1959 did not transfer jurisdiction with respect to the public domain, the national forests or any other Government lands, nor did it alter the statutes relating to acquisition, utilization or disposition of the public lands, except for the aforementioned transfer of authority.

In addition to vesting authority in the Secretary of Agriculture for exchanges of national forest lands, plan No. 1 of 1959 would have transferred authority to the Secretary of Agriculture for the disposition of common varieties of mineral materials from acquired lands under his jurisdiction as provided by the act of July 31, 1947 (30 U.S.C. 601 et seq.) as amended. The Secretary of Agriculture, under the act of July 31, 1947, as amended, has authority to dispose of such mineral materials as sand, stone, gravel, pumice, pumicite, cinders, and clay from lands under his jurisdiction which have been reserved from the public domain. However, under the provisions of Reorganization Plan No. 3 of 1946, the Secretary of the Interior is authorized to dispose of such mineral materials, as authorized by the act of July 31, 1947, from acquired lands which are within the jurisdiction of the Secretary of Agriculture.

Plan No. 1 of 1959 would have transferred to the Secretary of Agriculture the same authority for disposition of mineral materials from acquired lands under his jurisdiction as he possesses for lands under his jurisdiction which have been reserved from the public domain. The disposition of oil, gas, coal, gold, silver, and other valuable minerals which is governed by the Minerals Leasing Act of 1920 (30 U.S.C. 181 et seq.), as amended, was not affected by the act of July 21, 1947, nor, therefore, by plan No. 1 of 1959, which related to mineral materials only.

Plan No. 1 of 1959 also would have transferred the functions of the Secretary of the Interior relating to (1) the execution of quitclaim deeds in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture, (2) the disposition of vacant, unappropriated and unpatented lands within the exterior boundaries of the Tongass National Forest necessary for the processing of timber from the forest, and (3) the disposition of small tracts of certain acquired national forest lands which the Secretary of Agriculture determines chiefly valuable for agricultural purposes, to the Secretary of Agriculture.

The plan also would have authorized the Secretary of Agriculture to delegate the administrative functions transferred to him from the Secretary of the Interior to other officials of the Department of Agriculture subject to the provisions of section 4(a) of Reorganization Plan No. 2 of 1953.

AMENDMENTS BY THE HOUSE OF REPRESENTATIVES

H.R. 7681 would enact the basic provisions of Reorganization Plan No. 1 of 1959 by vesting administrative authority for exchanges of national forest lands exclusively in the Secretary of Agriculture.

Section 1 of H.R. 7681 is identical with section 1 of the reorganization plan. Section 1 transfers to the Secretary of Agriculture authority to exchange national forest lands for State-owned or private lands, authority to accept title on behalf of the United States to the State-owned or private lands exchanged and authority to dispose, under the Minerals Act of 1947, as amended, (30 U.S.C. 601 et seq.) of common mineral materials on acquired lands, thus eliminating the dual responsibility of the Secretary of the Interior for these actions, as the reorganization plan proposed.

Section 2(a) reaffirms the Secretary of the Interior's authority to apply the national mineral policies established by the Minerals Leasing Act (30 U.S.C. 181 et seq.), the general mining statutes and other statutes governing evaluation, reservation, and disposition of minerals on all public lands, including the national forests, to avoid any interpretation that the administrative transfers incorporated in section 1 affect the Secretary of the Interior's authority over disposition of valuable minerals. Section 2(a) does not grant additional authority to the Secretary of the Interior, but merely reaffirms his present authority relating to disposition of minerals on the public lands.

Section 2(b) of H.R. 7681 affirms that section 1 cannot be construed to authorize the Secretary of Agriculture to adjudicate mining claims. Section 2(c) provides that section 1 cannot be construed to authorize the Secretary of Agriculture to dispose of valuable minerals on acquired lands. Section 2(d) authorizes the Secretary of Interior to issue the patents when the Secretary of Agriculture has approved a forest exchange as Reorganization Plan 1 proposed. Section 2(e) is identical with section 2(b) of the plan which authorizes the Secretary of Interior to make conveyances of certain forest lands reserved from the public domain.

The bill eliminates the provision of plan No. 1 which would have authorized the Secretary of Agriculture to delegate the administrative functions transferred to him to other Department officials. The Secretary of Agriculture under existing authority has the power to delegate administrative functions unless specifically prohibited by law.

In summary, H.R. 7681 would enact the administrative transfers incorporated in Reorganization Plan No. 1 of 1949. At the same time it would reaffirm the Secretary of Interior's traditional authority governing the disposition of valuable minerals on the public lands to assure that enactment of the provisions of the reorganization plan cannot be construed as an infringement upon his general authority relating to minerals.

The Director of the Bureau of the Budget, the Secretary of Agriculture and the Secretary of Interior each endorse enactment of H.R. 7681 to implement the provisions of plan 1 of 1959. Their comments to the committee, directed to H.R. 7681, or to Reorganization Plan No. 1, follow:

AGENCY COMMENTS

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 4, 1960.

Hon. JOHN L. McCLELLAN,
Chairman, Government Operations Committee,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: In his budget message, transmitted to the Congress January 18, last, the President recommended that legislation be enacted to transfer from the Secretary of the Interior to the Secretary of Agriculture certain functions with respect to exchanges of national forest lands and timber.

On May 12, 1959, the President transmitted to the Congress Reorganization Plan No. 1 of 1959, which was designed to accomplish the transfer of functions mentioned above. The reorganization plan, as you know, was disapproved by the House of Representatives.

Subsequently—on September 2, 1959—the House of Representatives passed H.R. 7681, a bill to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments. That bill was, of course, referred to the Senate Committee on Government Operations.

Enactment of the bill would fix responsibility in the department most directly concerned, eliminate duplication of work, and remove inconveniences to the non-Federal parties concerned now occasioned by the necessity of dealing with two departments. It is therefore requested that favorable consideration be given to enactment of H.R. 7681, which would be in accord with the program of the President.

Sincerely yours,

MAURICE H. STANS, *Director.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 22, 1959.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate.

DEAR SENATOR McCLELLAN: This is in response to your request for our recommendations as to Reorganization Plan No. 1 of 1959, transmitted to the Congress by the President on May 12, 1959.

We strongly recommend that the plan be permitted to take effect.

Reorganization Plan No. 1 of 1959 has for its purpose the elimination of the need for both the Department of the Interior and the Department of Agriculture to act on matters concerning programs of the Department of Agriculture. When it becomes effective, material time now involved in these efforts will be saved. Interbureau and interdepartmental correspondence on these activities will be eliminated or greatly reduced. We cannot give a specific dollar figure as to savings that will result but are certain that these particular segments of Government business will be more economically and more effectively performed.

Reorganization Plan No. 1 deals with functions of the Department of the Interior in exchanges of national forest lands reserved from the public domain and timber therefrom for other lands within the na-

tional forests, in sales of small tracts of national forest land, and in utilization of sand, gravel, stone, pumice, and some other common materials from acquired national forest and other lands these are matters which the Department of the Interior by law is required to do but which relate entirely to lands and programs administered by the Department of Agriculture. They can most economically and expeditiously be done by this Department, which administers the lands concerned and has a field organization on the ground.

The Land Exchange Act approved March 20, 1922 (16 U.S.C. 485, 486), authorizes the exchange of national forest land or timber for other lands within the exterior boundaries of the national forests of at least equal value when the public interest will be benefited. It places upon the Secretary of the Interior the final determination as to whether the exchange is in the public interest. The Department of the Interior also must review and approve titles, adjudicate protests, and issue patent to the national forest lands being exchanged. The national forest lands or timber involved are under the jurisdiction of the Department of Agriculture and the lands being acquired in exchange will upon acceptance of title be under the jurisdiction of this Department.

Before recommending an exchange to the Department of the Interior under this act a determination is made by the Department of Agriculture that such exchange is in the public interest. This is done through detailed appraisals of the lands involved and a review of all local circumstances and pertinent information. Since the Forest Service has personnel in the immediate area where the exchange is being made, this Department usually is called upon to give preliminary review of title matters and to aid in facilitating procedural aspects of the transaction. If a protest against an exchange is filed, it is reviewed by the Department of Agriculture in order that full information on it may be placed before the Department of the Interior.

All these activities relate to functions placed upon the Secretary of the Interior by the act. They are required of the Secretary of Agriculture by the practical necessity of obtaining information on which to base competent decisions and recommendations and of completing these transactions on a local level. The Department of the Interior must perform its functions on the basis of information presented by this Department unless it duplicates with its own organization the field appraisals, field consideration, and field reviews carried out by Department of Agriculture. There is no need for this dual responsibility. Issuance of patents should continue in the Department of the Interior to avoid duplication of records. The plan would so provide.

In addition to the exchange act of March 20, 1922, there are seven other exchange acts, less commonly used, which require similar duplication of functions.

From 40 to 70 transactions under these laws are initiated in a year. While this is not a major activity, it is one into which a material amount of time and effort go in both this Department and the Department of the Interior.

The Secretary of the Interior has authority under section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872) to issue quitclaim deeds to lands conveyed to the United States in exchanges which are not consummated. If the exchange functions above mentioned are

placed in the Department of Agriculture, this authority to reconvey lands should also be placed in the Department of Agriculture insofar as it affects these transactions. This merely would enable us to clear title to such lands back to the grantor where no consideration has passed from the United States.

The Tongass Timber Act of August 8, 1947 (61 Stat. 921) authorizes The Secretary of the Interior to appraise and sell lands in the Tongass National Forest in Alaska which are jointly determined by the Secretary of the Interior and the Secretary of Agriculture to be necessary in connection with the processing of national forest timber. These lands are under the jurisdiction of the Department of Agriculture which has personnel on the ground. This Department, therefore, is in a logical position to determine when private ownership of lands is reasonably necessary for the processing of national forest timber and also to appraise such lands and handle details of sales. The function of issuing patent would remain in the Department of the Interior. The plan so provides.

Section 10 of the Weeks law of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519) provides that the Secretary of the Interior and the Secretary of Agriculture jointly shall issue regulations for sale of small tracts of land acquired under that law which are found chiefly suitable for agricultural use and not needed for public purposes. These national forest lands lie mostly in the eastern United States and are administered by the Department of Agriculture. This again is not an extensive function but when necessity for action arises under it there is no need for joint consideration and issuance of regulations. The authority for such action should be in the Department of Agriculture alone.

The Secretary of Agriculture now has authority under the act of July 31, 1947, as amended (30 U.S.C. 601-603), to dispose of mineral materials, including common varieties of sand, gravel, stone, pumice, pumicite, and cinders, on lands under his jurisdiction reserved from the public domain. For acquired lands, however, such authority is in the Secretary of the Interior. Ordinarily, issuance and supervision of permits for taking these materials does not require technical knowledge of mining engineering or geology and can be adequately handled directly by national forest personnel on the ground. Use of these materials is largely local and can best be handled by permits issued at the national forest level. Such uses often involve considerable surface disturbance and it is desirable that provisions of permits or leases governing use of the surface be closely correlated with land use practices on the national forest. All of these functions can be most efficiently carried out by the Department of Agriculture through local national forest administrators. The functions which would be transferred would not include the disposal of minerals such as oil and gas or other valuable minerals which are disposable under laws other than the 1947 act, as amended.

In conclusion, we think that the provisions of Reorganization Plan No. 1 of 1959 will simplify and expedite the performance of these functions and facilitate economical accomplishment of public business.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 5, 1959.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR SENATOR McCLELLAN: We are pleased to respond to your letter of May 13, 1959, asking for our views on Reorganization Plan No. 1 of 1959, which would transfer certain functions pertaining to national forest land exchanges and related functions from the Secretary of the Interior to the Secretary of Agriculture. The Department supports this plan and urges favorable action thereon.

At the outset, it should be noted that this reorganization plan is quite limited in scope. It does not affect the vacant, unappropriated public domain lands; i.e., lands the title to which always has been in the United States, at present administered by Interior. It does not involve the Secretary of the Interior's responsibilities for administration of the Mineral Leasing Act or the general mining laws on all public lands, including national forests. It relates primarily to forest land exchanges and to the disposal of common minerals such as sand, gravel, clay, etc., on most acquired lands currently under the jurisdiction of the Secretary of Agriculture for other purposes. The plan would be of considerable benefit to the public concerned with land exchanges and the disposal of these common minerals. This would be the most important advantage to be gained. Also, duplicated effort now unavoidable by having two departments involved in each land exchange and in the rather unimportant disposal to the public of common minerals in certain Agriculture lands would be eliminated.

The foregoing points are discussed in somewhat greater detail below.

The plan

The first eight subsections of section 1 of the plan, (a) to (h) inclusive, relate to consummation of exchanges of land (or timber) in order to improve the land patterns of national forests. Present law requires both the Secretaries of Interior and Agriculture to take certain actions in order to effect these exchanges. Such dual action is unnecessary inasmuch as administration of the national forests is under the Secretary of Agriculture and the actions referred to are largely of a ministerial character. The plan envisages consolidation in the Secretary of Agriculture of all authority to effect these exchanges except the issuance of land patents, a function delegated by the President to the Secretary of the Interior for all public lands of the United States.

The next subsection (i) relating to quitclaim deeds in cases where forest exchanges are abandoned likewise is of a ministerial character, and can better be performed by the Secretary of Agriculture for such lands.

Subsection (j) has to do with the appraisal and sale of lands for industrial wood processing sites in the Tongass National Forest in Alaska. Since the forest is under the jurisdiction of the Secretary of Agriculture, he should be in a much better position to judge the desirability of such sales than the Secretary of the Interior who now has this responsibility.

Subsection (k) is designed to relieve the Secretary of the Interior of the dual responsibility, with the Secretary of Agriculture, of pre-

scribing rules and regulations for the sale of unneeded lands in national forests acquired by Agriculture under the Weeks law and found to be chiefly valuable for agricultural purposes. Since this is largely a matter within the jurisdiction of the Department of Agriculture, the responsibility for the issuance of rules and regulations should not be divided.

Subsection (1) of the plan proposes to eliminate the present dual responsibility of the Departments of Agriculture and of the Interior in the disposal of common mineral materials with respect to certain acquired national forest lands. These materials include only such low-value minerals as sand, gravel, and clay. The permit and lease transactions are generally of local importance. The only factor of any substance in acting on these permits and leases is the determination of whether or not the extraction of these common mineral materials would interfere with the programs and policies of administering the national forests involved, a matter which is under the jurisdiction of the Department of Agriculture. The plan proposes to consolidate this responsibility in Agriculture, as is the case with respect to national forest lands created out of the public domain. There is no good reason for having dual responsibility for this function with respect to acquired lands and having single responsibility with respect to forest lands created out of the public domain.

Lands and functions not affected

The plan does not reduce the responsibilities of the Department of the Interior for any lands now primarily under its administration. The functions to be transferred, as is indicated above, relate exclusively to lands otherwise under the jurisdiction of the Department of Agriculture. Further, the lands involved in the proposed consolidation of functions with respect to the disposal of common mineral materials (subsec. (1)) are almost entirely in the eastern United States, since the national forests in the West were created almost entirely out of the public domain. As has been stated, the latter are not affected by the plan except to the extent they contain some acquired land.

The proposed consolidation of responsibilities with respect to disposal of common mineral materials does not affect the responsibility of the Secretary of the Interior with respect to the Mineral Leasing Act of 1920 or the so-called general mining laws which relate to more valuable minerals. Those coming under the Mineral Leasing Act are oil and gas, coal, phosphate, sulfur, potassium, and sodium. Those coming under the general mining laws include a long list of "hard-rock" minerals, chiefly metals. The Secretary of the Interior will continue to exercise his authority over these minerals.

Potential advantages of the plan

If the plan goes into effect, it would benefit both the administrative agencies involved and the public concerned in land exchanges and common mineral material disposals.

The agencies—Interior and Agriculture—will benefit from the elimination of duality of responsibility for the functions necessary for consummating land exchanges (subsecs. (a) to (h), inclusive), in prescribing rules and regulations (subsec. (k)), and in the disposal of common mineral materials (subsec. (l)). The total number of these exchanges and disposals are only 50 or so per year; and because the work is of rather routine character for the most part, the direct mone-

tary savings that would be made are very small. However, because both agencies must participate, and because action by one agency cannot commence before the other has completed a given step in the process, there has been frequent delay and some confusion in effecting action. The plan contemplates doing away with this delay and confusion.

More significantly, the public will gain for a number of reasons. Applicants for common minerals in the national forests now must submit their applications to Interior by mail for the most part since the Bureau of Land Management, the Interior administrative agency, has no offices in the eastern national forest areas. The Bureau then must ask the Forest Service for concurrence in its decision and thereafter mail the decision back to the applicant, a time-consuming process. If the plan is put into effect, a Forest Service official on the ground could receive and act on the application forthwith, thus reducing the time factor to insignificant proportions. In many cases, the material desired is for construction operations which cannot be postponed until the procedure now in effect is completed. The public may be required to obtain the necessary materials elsewhere, sometimes at much greater cost when large transportation costs are involved.

Similarly, there is a private party to virtually all land exchanges. These private parties have a right to expect prompt action on the exchange transactions. Where two different Departments must engage in the transaction, and one does not have local offices to deal with the matter, delays are inevitable.

It is hoped that this information will prove to be useful to your committee, and that the Congress will act favorably on this plan.

Sincerely yours,

D. OTIS BEASLEY,
*Administrative Assistant,
Secretary of the Interior.*

APPENDIX 1

U.S. STATUTES REFERRED TO IN REORGANIZATION PLAN NO. 1 OF 1959

(Prepared by American Law Division, Legislative Reference Service,
Library of Congress)

(A) ACT OF MARCH 20, 1922 (42 STAT. 465), AS AMENDED; 16 U.S.C.
485, 486

§ 485. *Exchange of lands in national forests; cutting timber in national forests in exchange for lands therein*

When the public interests will be benefited thereby, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary

of Agriculture. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

§ 486. *Exchange of lands in national forests; reservations of timber, minerals, or easements*

Either party to an exchange under section 485 of this title may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(B) ACT OF FEBRUARY 2, 1922 (42 STAT. 362)

Chapter 46. An Act authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within or within six miles of the exterior boundaries of the Deschutes National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land, in the State of Oregon, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest, in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance

with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Deschutes National Forest.

Approved, February 2, 1922.

(C) ACT OF JUNE 7, 1924 (43 STAT. 643)

Chapter 333. An Act providing for the acquirement by the United States of privately owned lands within Rio Arriba and Taos Counties, New Mexico, known as the Las Trampas grant, by exchanging therefor timber within the exterior boundaries of any national forest situated within the State of New Mexico

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Las Trampas grant, located within the counties of Rio Arriba and Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

SEC. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to conveyed to the United States are situated.

Approved, June 7, 1924.

(D) ACT OF JANUARY 12, 1925 (43 STAT. 739)

Chapter 74. An act providing for the acquirement by the United States of privately owned lands within Taos County, New Mexico, known as the Santa Barbara grant, by exchanging therefor timber, or lands and timber, within the exterior boundaries of any national forest situated within the State of New Mexico

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Santa Barbara grant, located within the county of Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 2. That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

SEC. 4. That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

Approved, January 12, 1925.

(E) ACT OF APRIL 21, 1926 (44 STAT. 303)

Chapter 167. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, New Mexico, within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Mora grant, as described in the patent

issued by the United States, located in the counties of San Miguel, Mora, Taos, and Colfax, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor to patent not to exceed an equal value of national forest land in that State or the State of Arizona, or the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or the State of Arizona, the value in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture: *Provided*, That the consent and approval of the Governor of Arizona shall have first been secured before any timber is given in exchange in the State of Arizona under this Act.

SEC. 2. Lands offered for exchange hereunder and not covered by public land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. Any lands conveyed to the United State under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine.

SEC. 4. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange.

Approved, April 21, 1926.

(K) ACT OF MAY 26, 1926 (44 STAT. 655); 16 U.S.C. 38

Chapter 399. An Act To make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this Act.

SEC. 2. That the Secretary of the Interior be, and is hereby authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships hereinabove described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 3. That reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this Act. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this Act: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

SEC. 4. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated east of the Yellowstone River, in townships 8 and 9 south, ranges 7, 8, and 9 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act are hereby added to and made parts of the Absaroka National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the western boundary of said Absaroka National Forest in the townships above described.

SEC. 5. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated west of the Yellowstone River, in townships 8 and 9 south, ranges 7 and 8 east, Montana

principal meridian, State of Montana, and any lands acquired under the provisions of this Act, are hereby added to and made parts of the Gallatin National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the eastern boundary of said Gallatin National Forest in the townships above described.

SEC. 6. That the President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of this Act, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this Act; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of this Act: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 1 of this Act shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests.

Approved, May 26, 1926.

(G) ACT OF JUNE 15, 1926 (44 STAT. 746)

Chapter 590. An Act to amend an Act approved June 20, 1910, entitled "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled, "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of

Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, be, and the same is hereby amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: Provided, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States, title to any land within the exterior boundaries of the national forests in the State of New Mexico, title to which is in the State of New Mexico, which the said State of New Mexico is willing to convey to the United States, and which shall be so conveyed by deed duly recorded and executed by the governor of said State and the State land commissioner, with the approval of the State land board of said State, and as to land granted to the said State of New Mexico for the support of common schools with the approval of the State superintendent of public instruction of said State, as to institutional grant lands with the approval of the governing body of the institution for whose benefit the lands so reconveyed were granted to said State, if, in the opinion of the Secretary of Agriculture, public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor, the Secretary of the Interior, in his discretion, may give not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That authority is hereby vested in the President temporarily to withdraw from disposition under the Act of June 25, 1910 (Thirty-sixth Statutes at Large, page 847), as amended by the Act of August 24, 1912 (Thirty-seventh Statutes at Large, page 497), lands proposed for selection by the State under the provisions of this Act.

SEC. 2. Where sections 2, 16, 32, and 36, within national forests, legal title to which sections is retained in the United States under the provisions of section 6 of the said Act of June 20, 1910, and which sections are administered as a part of the said national forests for the benefit of the said State of New Mexico, have not already been tendered as base for indemnity selection under sections 2275 and 2276, United States Revised Statutes, and where such sections of land, in the opinion of the Secretary of Agriculture, are chiefly valuable for forest purposes, upon surrender by the State of New Mexico of the right to make lieu selections and of all claim, right, or interest in or to said sections upon and in the event of elimination from the national forests, the Secretary of the Interior, in consideration of such surrender, may, in his discretion, give to the State of New Mexico not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That the Secretary of Agriculture may establish regulations and a procedure for appraising the values of the lands owned by the United States and by the State and for carrying out the provisions of this Act.

SEC. 3. That all lands acquired by the State of New Mexico under the provisions, and all the products and proceeds of said lands, shall be subject to all the conditions and trusts to which the lands conveyed or surrendered in lieu thereof are now subject. All lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forests within which they are situated.

SEC. 4. That pursuant to section 10, Article XXI, constitution of the State of New Mexico, the consent of the United States is hereby granted for amendment of the constitution of the State of New Mexico in accordance with the provision of this Act.

Approved, June 15, 1926.

(H) ACT OF DECEMBER 7, 1942 (56 STAT. 1042)

Chapter 691. To authorize the exchange of certain lands in Minnesota

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national park or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota, under the jurisdiction of either the Secretary of the Interior or the Secretary of Agriculture, and which are desired by such State.

SEC. 2. The Secretary of Agriculture is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota which are under the jurisdiction of the Secretary of Agriculture and where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the said Secretary of Agriculture; and the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under the jurisdiction of the Secretary of Agriculture, in exchange for any surveyed public lands, unappropriated, and unreserved except for Executive Order Numbered 6964, dated February 5, 1935, or public domain in national forests, of equal value owned by the United States, where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the Secretary of the Interior; the lands within the national forests so accepted by said Secretary of the Interior thereafter to be subject to the provisions of the Act of February 1, 1905 (33 Stat. 628), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of lands reserved from the public domain.

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are authorized to make conveyances, on behalf of the United States, to the State of Minnesota of any lands under their respective jurisdictions to carry out the purposes of this Act: *Provided*, That all

conveyances of public domain in national forests shall be made by the Secretary of the Interior as provided for by the Act of February 1, 1905 (33 Stat. 628).

SEC. 4. The conveyance of any land by the State of Minnesota, under the provisions of this Act, may be made subject to such reservations and conditions as such State shall prescribe, and the conveyance of any land by the United States, under the provisions of this Act, may be made subject to such reservations and conditions as the United States shall prescribe; but such reservations and conditions shall be duly considered in determining the value of the lands for the purposes of making any exchange of lands under this Act. Any exchange of lands under the provisions of this Act shall be made only after a determination that such exchange will be in the public interest. Such determination may be made by the Secretary of the Interior if the lands to be conveyed by the United States are under his jurisdiction and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. Such determination may be made by the Secretary of Agriculture if the lands to be conveyed by the United States are under his jurisdiction and are to be conveyed by him and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. In all other cases, such determination shall be made by the Secretary of the Interior and the Secretary of Agriculture, jointly.

SEC. 5. Lands acquired by the United States pursuant to any such exchange shall become a part of the national park, national forest, land utilization project, or other Federal reservation to which they may be contiguous or within the exterior boundaries of which they may be located and shall be subject to the laws, rules, and regulations applicable thereto.

Approved, December 7, 1942.

(I) ACT OF APRIL 28, 1930 (46 STAT. 257; 43 U.S.C. 872)

Chapter 219. An Act validating certain applications for and entries of public lands, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary * * *.*

SEC. 6. That where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, for an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Commissioner of the General Land Office is hereby authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(J) JOINT RESOLUTION OF AUGUST 8, 1947 (61 STAT. 921)

Chapter 516. To authorize the Secretary of Agriculture to sell timber within the Tongass National Forest

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That "possessory rights" as used in this resolution shall mean all rights, if any should exist, which are based upon aboriginal occupancy or title, or upon section 8 of the

Act of May 17, 1884 (23 Stat. 24), section 14 of the Act of March 3, 1891 (26 Stat. 1095), or section 27 of the Act of June 6, 1900 (31 Stat. 321), whether claimed by native tribes, native villages, native individuals, or other persons, and which have not been confirmed by patent or court decision or included within any reservation.

SEC. 2. (a) The Secretary of Agriculture, in contracts for the sale, or in the sale, of national forest timber under the provisions of the Act of June 4, 1897 (30 Stat. 11, 35), as amended, is authorized to include timber growing on any vacant, unappropriated, and unpatented lands within the exterior boundaries of the Tongass National Forest in Alaska, notwithstanding any claim of possessory rights. All such contracts and sales heretofore made are hereby validated.

(b) The Secretary of the Interior is authorized to appraise and sell such vacant, unappropriated, and unpatented lands, notwithstanding any claim of possessory rights, within the exterior boundaries of the Tongass National Forest as, in the opinion of the Secretary of the Interior and the Secretary of Agriculture, are reasonably necessary in connection with or for the processing of timber from lands within such national forest, and upon such terms and conditions as they may impose.

(c) The purchaser shall have and exercise his rights under any patent issued or contract to sell or sale made under this section free and clear of all claims based upon possessory rights.

SEC. 3. (a) All receipts from the sale of timber or from the sale of lands under section 2 of this resolution shall be maintained in a special account in the Treasury until the rights to the land and timber are finally determined.

(b) Nothing in this resolution shall be construed as recognizing or denying the validity of any claims of possessory rights to lands or timber within the exterior boundaries of the Tongass National Forest.

Approved August 8, 1947.

(K) ACT OF MARCH 1, 1911 (36 STAT. 962; 16 U.S.C. 519)

§ 519. *Agricultural lands included in tracts acquired, sale for homesteads*

Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this section and sections 513-518 of this title, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under said sections, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

(L) REORGANIZATION PLAN No. 3 OF 1946 (60 STAT. 1099)

SEC. 402. *Functions relating to mineral deposits in certain lands.*—The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the Act of March 4, 1917 (39 Stat. 1134, 1150, 16 U.S.C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U.S.C. 401, 403(a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781), and the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U.S.C. 1011(c) and 1018), are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior, as he may designate: *Provided*, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

ACT OF SEPTEMBER 1, 1949 (63 STAT. 682; 30 U.S.C. 192c)

Chapter 529. To eliminate premium payments in the purchase of Government royalty oil under existing contracts entered into pursuant to the Act of July 13, 1946 (60 Stat. 533), and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, under any existing contract entered into pursuant to the first proviso in the second paragraph of section 36 of the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C., sec. 192), any refinery is required to pay a premium price for the purchase of Government royalty oil, such refinery may, at its option by written notice to the Secretary of the Interior, elect either—

(1) to terminate such contract, the termination to take place at the end of the calendar month following the month in which such notice is given; or

(2) to retain such contract with the modifications, that (a) the price, on and after March 1, 1949, shall be as defined in the contract, without premium payments, (b) any credit thereby resulting from past premium payments shall be added to the refinery's account, and (c) the Secretary may, at his option, elect to terminate the contract as so modified, such termination to

take place at the end of the third calendar month following the month in which written notice thereof is given by the Secretary.

SEC. 2. The provisions of this Act shall apply to all existing contracts for the purchase of Government royalty oil entered into after the approval of the Act of July 13, 1946 (60 Stat. 533), and prior to the approval of this Act, irrespective of whether a determination of preference status was made in connection with the award of such contracts, but shall not apply to any such contract which subsequent to its award has been transferred, through the acquisition of stock interests or other transactions, to the ownership or control of a refinery ineligible for a preference under said Act of July 13, 1946, and the regulations in force thereunder at the time of such transfer.

SEC. 3. The Secretary of the Interior is hereby authorized under general rules and regulations to be prescribed by him to issue leases or permits for the exploration, development, and utilization of the mineral deposits, other than those subject to the provisions of the Act of August 7, 1947 (61 Stat. 913), in those lands added to the Shasta National Forest by the Act of March 19, 1948 (Public Law 449, Eightieth Congress), which were acquired with funds of the United States or lands received in exchange therefor: *Provided*, That any permit or lease of such deposits in lands administered by the Secretary of Agriculture shall be issued only with his consent and subject to such conditions as he may prescribe to insure the adequate utilization of the lands for the purposes set forth in the Act of March 19, 1948: *And provided further*, That all receipts derived from leases or permits issued under the authority of this Act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease or permit, the intention of this provision being that this Act shall not affect the distribution of receipts pursuant to legislation applicable to such lands.

Approved September 1, 1949.

ACT OF JUNE 30, 1950 (64 STAT. 311; 16 U.S.C. 508b)

§ 508b. *National forests in Minnesota; authority to prospect, develop, mine, remove, and utilize mineral resources*

Where, through withdrawal or reservation or by statutory limitation or otherwise, all or any part of the mineral resources in public-domain lands or lands received in exchange for public-domain lands or for timber on such lands situated within the exterior boundaries of the national forests in Minnesota, are not subject to development or utilization under the mining laws of the United States or the mineral leasing laws, and for the development and utilization of which no other statutory authority exists, the Secretary of the Interior is authorized, under general regulations to be prescribed by him and upon such terms and for specified periods or otherwise as he may deem to be for the best interests of the United States, to permit the prospecting for and the development and utilization of such mineral resources: *Provided*, That the development and utilization of such mineral deposits shall not be permitted by the Secretary of the Interior except with the consent of the Secretary of Agriculture. All receipts derived from permits or leases issued under the authority of this section for prospecting for and the development and utilization of such

mineral resources shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for national forest revenue by sections 499-501 of this title.

ACT OF JUNE 28, 1952 (66 STAT. 284)

Chapter 482. An Act to stabilize the economy of dependent residents of New Mexico using certain lands of the United States known as the North Lobato and El Pueblo tracts, originally purchased from relief program funds, and now administered under agreement by the Carson and Santa Fe National Forests, to effect permanent transfer of these lands, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of Public Law 499, Eighty-first Congress, approved May 3, 1950, the Secretary of Agriculture, with the consent of the New Mexico Rural Rehabilitation Corporation so to do, evidenced by an appropriate resolution of its board of directors, is hereby authorized and directed to convey, grant, transfer, and quitclaim, not later than May 3, 1953, to the United States for subsequent administration subject to the laws, rules, and regulations applicable to national forest lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended, all right, title, claim, interest, equity, and estate in and to the following-described lands administered by the Secretary as trustee, under an agreement of transfer dated May 16, 1937, as amended January 20, 1939, with the New Mexico Rural Rehabilitation Corporation, and situated in the counties of Rio Arriba and San Miguel, respectively, State of New Mexico, together with the improvements thereon and the rights and the appurtenances thereto belonging or appertaining, to wit:

That part of the Juan Jose Lobato Grant Numbered 164, as shown on plat approved by decree of court of October 13, 1895, and filed in volume 4, page 12, New Mexico Private Land Claims Records of the Bureau of Land Management, which lies northerly of the Chama River, as conveyed to the United States by William S. Jackson on the 30th day of December 1942, and as more specifically described in the deed of conveyance recorded in volume 25-A of deeds, at pages 463-472 of the records of Rio Arriba County, New Mexico.

That part of the Anton Chiea Grant Numbered 29, as described on plat of survey approved February 15, 1882, and filed in volume 1, page 18, of New Mexico Private Land Claims Records of the Bureau of Land Management, which has been acquired by the United States as part of the El Pueblo project, from Gross, Kelly and Company, of Las Vegas, New Mexico, by deed dated October 23, 1939, and recorded in book 128 of deeds at pages 534-537, records of San Miguel County, New Mexico, on February 27, 1940, and north half section 3; lot 1, southeast quarter northeast quarter section 4, township 12 north, range 15 east; south half of fractional section 14; east half southeast quarter section 22; fractional section 23; fractional section 26; east half northeast quarter, northeast quarter southeast quarter, south half southeast quarter, southeast quarter southwest quarter, section 27; north half, east half west half southwest quarter, east half southwest quarter, southeast quarter section 34; section 35, township 13 north, range 15 east; south half southwest quarter section 17; lots 1, 2, northwest quarter northeast quarter section 20; southwest quarter

section 26; lot 5, northeast quarter southeast quarter section 27; lots 1, 2, of section 35, township 13 north, range 16 east, New Mexico principal meridian, containing twenty-six thousand four hundred sixty-four and forty-six one-hundredths acres, more or less.

SEC. 2. The lands conveyed to the United States under this Act shall, subject to adequate protection and conservation of soil and vegetative resources and the forests therein, be administered with due regard to the purposes for which the lands were originally acquired by the United States in its program of rural rehabilitation.

SEC. 3. That pending said transfer of the above land to the Forest Service and thereafter, mineral deposits within said tracts of land, whether acquired by purchase with said land or reserved to the Government in the original patent, shall be administered under the Mineral Leasing Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351), as to the minerals specified therein, and as to any other minerals in the manner prescribed by section 402 of the President's Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099). Applications for mineral leases at any time heretofore or hereafter filed with respect to said mineral deposits shall be considered and acted upon in the manner prescribed, notwithstanding the provisions of Public Law 499 of the Eighty-first Congress, approved May 3, 1950.

SEC. 4. The following public domain lands are hereby reserved for administration under the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C., 1946 edition, sec. 475), as amended or supplemented: Lot 1, section 25 and lots 1, 2, 3, and 4, section 36, all in township 13 north, range 15 east, New Mexico principal meridian, containing one hundred sixteen and three one-hundredths acres, more or less.

Approved June 28, 1952.

ACT OF JULY 31, 1947 (61 STAT.681)

Chapter 406. To provide for the disposal of materials on the public lands of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, under such rules and regulations as he may prescribe, may dispose of materials including but not limited to sand, stone, gravel, yucca, manzanita, mesquite, cactus, common clay, and timber or other forest products, on public lands of the United States if the disposal of such materials (1) is not otherwise expressly authorized by law, including the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this Act and upon the payment of adequate compensation therefor, to be determined by the Secretary: *Provided, however,* That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any person, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this Act, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior or of a State, Territory, county,

municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under this Act only with the consent of such Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national forest, national park, or national monument, or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

SEC. 2. Where the appraised value of the material exceeds \$1,000, it shall be disposed of by the Secretary to the highest responsible qualified bidder by competitive bidding and publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper of general circulation in the county in which the material is located. Where the appraised value of the material is \$1,000 or less, it may be disposed of by the Secretary upon such notice and in such manner as he may prescribe.

SEC. 3. All moneys received from the disposal of materials under this Act shall be disposed of in the same manner as moneys received from the sale of public lands.

Approved July 31, 1947.

ACT OF JULY 23, 1955 (69 STAT. 367); 30 U.S.C. 601 ET SEQ.

§ 601. *Rules and regulations governing disposal of materials; payment; removal without charge; lands excluded*

The Secretary, under such rules and regulations as he may prescribe, may dispose of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (including but not limited to yucca, manzanita, mesquite, cactus, and timber or other forest products) on public lands of the United States, including, for the purposes of this subchapter, land described in sections 1181a-1181j of Title 43, if the disposal of such mineral or vegetative materials (1) is not otherwise expressly authorized by law, including, but not limited to, sections 315-315m, 315n, 315o-1, and 1171 of Title 43, and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this subchapter and upon the payment of adequate compensation therefor, to be determined by the Secretary: Provided, however, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this subchapter, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the department headed by the Secretary or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, the Secre-

tary may make disposals under this subchapter only with the consent of such other Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this subchapter shall be construed to apply to lands in any national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians. As used in this subchapter, the word "Secretary" means the Secretary of the Interior except that it means the Secretary of Agriculture where the lands involved are administered by him for national forest purposes or for the purposes of sections 1010-1012 of Title 7 or where withdrawn for the purpose of any other function of the Department of Agriculture.

§ 602. *Competitive bidding, publication of notice of disposal, materials valued at \$1,000 or less*

Where the appraised value of the material exceeds \$1,000, it shall be disposed of by the Secretary to the highest responsible qualified bidder by competitive bidding and publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper of general circulation in the county in which the material is located. Where the appraised value of the material is \$1,000 or less, it may be disposed of by the Secretary upon such notice and in such manner as he may prescribe.

§ 603. *Disposition of moneys from disposal of materials*

All moneys received from the disposal of materials under this subchapter shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials by the Secretary of Agriculture shall be disposed of in the same manner as other moneys received by the Department of Agriculture from the administration of the lands from which the disposal of materials is made, and except that revenues from the lands described in sections 1181a-1181j of Title 43, shall be disposed of in accordance with said sections and except that moneys received from the disposal of materials from school section lands in Alaska, reserved under section 353 of Title 48, shall be set apart as separate and permanent funds in the Territorial Treasury, as provided for income derived from said school section lands pursuant to sections 353 and 354 of Title 48.

§ 604. *Disposal of sand, peat moss, etc., in Alaska, contracts*

Subject to the provisions of this subchapter, the Secretary may dispose of sand, stone, gravel, and vegetative materials located below highwater mark of navigable waters of the Territory of Alaska. Any contract, unexecuted in whole or in part, for the disposal under this subchapter of materials from land, title to which is transferred to a future State upon its admission to the Union, and which is situated within its boundaries, may be terminated or adopted by such State.

APPENDIX 2

ANALYSIS OF REORGANIZATION PLAN NO. 1 OF 1959

(Prepared by the Bureau of the Budget)

PART I. FUNCTIONS TRANSFERRED

The following-described functions of the Secretary of the Interior will be transferred to the Secretary of Agriculture upon the coming into effect of Reorganization Plan No. 1 of 1959:

Section 1(a) of plan

1. Accepting on behalf of the United States, in Secretary's discretion, titles to lands conveyed to U.S. in exchanges under the Act of March 20, 1922, c. 105, 42 Stat. 465, as amended (16 U.S.C. 485, 486). Geographically, the statute is a general one. Each such exchange involves the transfer to the United States of lands within the exterior boundaries of a national forest and the exchange therefor of either (a) national forest lands in the same State, or (b) authorization (by the Secretary of Agriculture) to cut and remove timber within the national forests of the same State.

2. Determination with respect to each exchange transaction under that Act that the public interests will be benefited by the exchange.

3. The making of reservations of timber, minerals, or easements with respect to U.S. lands conveyed in any exchange and the acceptance of such reservations with respect to lands conveyed to the U.S. in any exchange, under section 2 of the Act (16 U.S.C. 486).

4. Except as indicated in item 5, below, all other acts required of the Secretary of the Interior under the statute.¹

5. Under the plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the U.S. in the exchange.

6. All of the above relate, additionally, to extensions of the 1922 Act, as amended, e.g.:

(a) Exchanges of forest lands in Missouri under Public Law 85-282, approved September 4, 1957 (71 Stat. 607; 7 U.S.C. 301 note).

(b) Exchanges of lands in Colorado under the Act of December 23, 1944, c. 722 (58 Stat. 924; cf. 16 U.S.C. 485 note).

Section 1(b) of plan

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to private lands conveyed to the United States in exchanges under the Act of February 2, 1922 (42 Stat. 362). The exchanges under this Act are similar to those described in item 1 under the heading "Section 1(a) of plan," above, except they are confined to the Deschutes National Forest and the State of Oregon, etc.

2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the statute.

¹ The functions referred to in items 1 to 3, inclusive, above, and in other corresponding parts of this memorandum, are those expressed in statutory language and omit reference to incidental steps. As a practical matter, it is necessary for the Secretary of the Interior, for example, to review and approve titles to lands and to adjudicate any protests with respect to exchanges; these duties will be performed by the Secretary of Agriculture when the reorganization plan has become effective.

3. Under the plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the United States in the exchange.

Section 1(c) of plan

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the United States under the Act of June 7, 1924, 43 Stat. 643. Under this Act the United States may accept certain privately owned lands in New Mexico (chiefly valuable for national forest purposes, as determined by the Secretary of Agriculture), and, in exchange therefor, the Secretary of Agriculture may authorize the grantor to cut and remove timber within national forests in New Mexico.

2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the June 7, 1924, Act.

3. The function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) is not transferred. This is the only function under the June 7, 1924, Act, which will remain in the Secretary of the Interior under the plan. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(d) of plan

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the United States under the Act of January 12, 1925 (43 Stat. 739). This Act is similar to 43 Stat. 643, above, except that the location of the privately owned lands in New Mexico differs.

2. The function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) is not transferred. This is the only function under the January 12, 1925, Act, which will remain in the Secretary of the Interior under the plan. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(e) of plan

1. Accepting on behalf of the United States, in Secretary's discretion, titles to lands conveyed to the United States in exchanges under the April 21, 1926, Act (44 Stat. 303). Each such exchange involves the transfer to the United States of certain lands located in New Mexico which are privately owned, adjoin one or more national forests, and (as determined by the Secretary of Agriculture) are chiefly valuable for national forest purposes, and the exchange therefor of either (a) national forest lands in New Mexico or Arizona, or (b) the authorization (by the Secretary of Agriculture) to cut and remove timber within national forests in Arizona or New Mexico.

2. Except as indicated in item 3, below, all other acts required of the Secretary of the Interior under the statute.

3. Under the reorganization plan the Secretary of the Interior will have the nondiscretionary function of issuing patents to national forest lands given by the United States in the exchange. Further, the function of the Secretary of the Interior under section 2 of the Act (originally vested in the United States Surveyor General) will

remain in the Secretary of the Interior. It consists of the approval of surveys of those lands offered in exchange which are not covered by public land surveys and approval of the plats and field notes thereof.

Section 1(f) of plan

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the United States in exchanges under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38). Each such exchange involves the transfer to the United States of privately or State-owned lands in Montana and the exchange therefor of either (a) national forest land in Montana, or (b) the authorization (by the Secretary of Agriculture) to cut and remove timber within national forests in Montana.

2. That portion of the function of determining the values of lands or timber involved in exchanges under section 2 which is vested in the Secretary of the Interior (the Secretary's share of the joint determination).

3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under section 2 of the Act of May 26, 1926.

4. Under the reorganization plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the United States in the exchange.

Section 1(g) of plan

NOTE.—Section 1(g) of the plan concerns the Act of June 15, 1926 (44 Stat. 746). That Act authorizes the exchange of lands of the State of New Mexico for "unappropriated, ungranted, national forest or other government land belonging to the United States * * *". The reorganization plan affects only those exchanges in which the U.S. lands exchanged are national forest lands; items 1 to 4, below, are subject to this observation.

1. Accepting on behalf of the United States, in the Secretary's discretion, titles to lands conveyed to the United States in exchanges under section 1 or 2 of the June 15, 1926, Act (44 Stat. 746).

2. Giving, in the Secretary's discretion, U.S. lands in exchange for the lands so accepted.

3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under the June 15, 1926, Act.

4. Under the reorganization plan the Secretary of the Interior will have only the nondiscretionary function of issuing patents to national forest lands given by the United States in the exchange.

Section 1(h) of plan

NOTE.—The Act of December 7, 1942 (56 Stat. 1042), relates to certain exchanges of lands in Minnesota. There are three distinct provisions, for exchanges, in the Act. The reorganization plan does not concern exchanges under section 1 of the Act or under the portion of section 2 which precedes the first semicolon thereof. It does concern certain exchanges under the portion of section 2 which is between the first and second semicolons thereof; specifically, it concerns those exchanges thereunder in which the U.S. lands to be exchanged are lands under the jurisdiction of the Secretary of Agriculture and the lands received by the United States will, after the exchange, be under the jurisdiction of the Secretary of Agriculture. Items 1 to 5, below, are subject to this observation.

1. Accepting on behalf of the United States titles to lands conveyed to the United States in exchanges under the above-described part of section 2 of the December 7, 1942, Act.

2. That portion of the function of determining that an exchange is in the public interest which is now vested in the Secretary of the Interior (the Secretary's share of the joint determination (cf. sec. 4 of Act)).

3. Attaching conditions and reservations to conveyances of lands to Minnesota.

4. Except as indicated in item 5, below, all other acts required of the Secretary of the Interior under the statute.

5. The Secretary of the Interior will have, under the plan, the non-discretionary function of issuing patents to national forest lands reserved from the public domain which are given by the United States in the exchange. There are not transferred the functions of the Secretary of the Interior with respect to surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting Minnesota lands which become part of a national forest by reason of a land exchange under the 1942 Act.

Section 1(i) of plan

1. So much of the function of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) of executing quitclaim deeds under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872) as is with respect to lands conveyed to the United States in connection with exchange transactions involving U.S. lands under the jurisdiction of the Secretary of Agriculture. (Occasion for quitclaim deed arises when a conveyance of private land to the United States has occurred and the application for the land exchange is thereafter withdrawn or rejected.)

2. The reorganization plan does not affect the pertinent functions of the Secretary of the Interior when the lands to be quitclaimed were conveyed to the United States in connection with an exchange transaction involving U.S. lands under the jurisdiction of the Secretary of the Interior.

Section 1(j) of plan

1. Appraisal and sale of U.S. lands described in section 2(b) of the Joint Resolution of August 8, 1947, 61 Stat. 921. The lands so described are vacant, unappropriated, and unpatented lands within the exterior boundaries of the Tongass National Forest in Alaska.

2. The function of joining with the Secretary of Agriculture in the following: (a) the determination that the lands are reasonably necessary in connection with or for the processing of timber from lands within the national forest, and (b) the fixing of the terms and conditions of sale.

3. Except as indicated in item 4, below, all other acts required of the Secretary of the Interior under section 2(b) of the August 8, 1947, Act.

4. Under the reorganization plan, the Secretary of the Interior will have the nondiscretionary duty of issuing, upon the recommendation of the Secretary of Agriculture, patents for lands sold.

Section 1(k) of plan

1. That portion of the function of prescribing rules and regulations, governing the sale, etc., of lands, which is vested in the Secretary of

the Interior by section 10 of the Weeks Law (Act of March 1, 1911, 36 Stat. 962, 16 U.S.C. 519). The rules and regulations are now required by the statute to be issued jointly by the Secretary of Agriculture and the Secretary of the Interior. The said lands are lands chiefly valuable for agriculture which were included in tracts acquired under the said Law, may be occupied for agricultural purposes without injury to the forests or to stream flow, and are not needed for public purposes.

Section 1(1) of plan

General.—Subject to two limitations, section 1(1) of the plan will transfer from the Secretary of the Interior to the Secretary of Agriculture functions under certain Acts and under section 402 of Reorganization Plan No. 3 of 1946 with respect to the use and disposal of mineral materials from lands. The limitations are as follows: (a) The transfers of minerals functions are only in respect of lands which are otherwise under the jurisdiction of the Secretary of Agriculture. (b) The transfers of functions apply only in respect of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947, 61 Stat. 681, as amended (30 U.S.C. 601 et seq.). Following are further explanations with respect to items (a) and (b), respectively:

(1) The Secretary of Agriculture may now, under 30 U.S.C. 601, dispose of minerals materials (of the kind with which the reorganization plan is concerned) from most public lands under his jurisdiction (see item 2, below). Accordingly, the effect of section 1(1) of the plan is limited primarily to minerals materials from those lands of the United States under the jurisdiction of the Secretary of Agriculture which are acquired lands.

(2) The Secretary of Agriculture may now, under 30 U.S.C. 601, "dispose of mineral materials (including but are not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) * * * on public lands of the United States * * * if the disposal * * * is not otherwise expressly authorized by law * * * and is not expressly prohibited by laws of the United States * * *." The result is to confine disposal under 30 U.S.C. 601 to what may be termed surface minerals and to exclude from disposal thereunder all or substantially all mineral materials other than those mentioned in the above-quoted text. Accordingly, and notwithstanding the words "including but * * * not limited to," the disposal authority to be transferred to the Secretary of Agriculture by the reorganization plan is confined to, or substantially confined to, common varieties of the materials mentioned in the foregoing text. A principal statute operating to exclude mineral materials from the scope of 30 U.S.C. 601—and therefore from the scope of the reorganization plan—is the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.); that Act empowers the Secretary of the Interior to make leases with respect to deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur.

Reorganization Plan No. 3 of 1946.—Section 402 of Reorganization Plan No. 3 of 1946 transferred to the Secretary of the Interior functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits pursuant to the

provisions of certain laws specified in section 402 (including 7 U.S.C. 1011c, 7 U.S.C. 1018, 16 U.S.C. 520, etc.). The said laws all concerned acquired lands. The transfers were conditioned as follows: "Provided, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes." While section 402 of the reorganization plan transferred functions with respect to mineral deposits, without further definition, the now pending re-transfer to Agriculture under Reorganization Plan No. 1 of 1959 is restricted, as to materials, according to the limitation (b) set forth under "General," above.

30 U.S.C. 192c.—Under section 3 of the Act of September 1, 1949, 63 Stat. 683 (30 U.S.C. 192c), the Secretary of the Interior may now issue leases or permits for the exploration, development, and utilization of mineral deposits of certain acquired lands which have been added to the Shasta National Forest, excluding deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur; but in respect of lands administered by the Secretary of Agriculture the permit or lease requires the consent of the Secretary of Agriculture and may be issued only subject to such conditions as the Secretary of Agriculture may prescribe to assure the adequate utilization of the land for the purposes of protecting, improving, and utilizing their forests, watersheds, and recreational and other resources. Subject to the limitations set forth under "General," above, the plan will transfer the functions of the Secretary of the Interior under 30 U.S.C. 192c to the Secretary of Agriculture; thus (1) no transfer of functions is made in respect of lands administered by the Secretary of the Interior, and (2) the transfer of functions does not extend to minerals other than those which may be disposed of by the Secretary of Agriculture (from other lands) under 30 U.S.C. 601 et seq.

16 U.S.C. 508b.—Under the Act of June 30, 1950, 64 Stat. 311 (16 U.S.C. 508b), the Secretary of the Interior, with the consent of the Secretary of Agriculture, may now permit the prospecting for, and the development and utilization of, mineral resources in certain national forest lands in Minnesota. These are in fact public lands reserved for national forest purposes. Authority to dispose of mineral materials would have automatically vested in the Secretary of Agriculture in 1955 along with the authority as to other public lands except that disposal was already otherwise expressly authorized by law. Subject to the limitation (b) set forth under "General," above, the plan will transfer the functions of the Secretary of the Interior under 16 U.S.C. 508b to the Secretary of Agriculture; thus the transfer of functions does not extend to minerals other than those which may be disposed of by the Secretary of Agriculture (from other lands) under 30 U.S.C. 601 et seq.

66 Stat. 285.—Section 3 of the Act of June 28, 1952, 66 Stat. 285, provides, in part and in substance, that mineral deposits in certain national forest lands in New Mexico, other than coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur, shall be administered in the manner prescribed by section 402 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099). In consequence thereof the Secretary of the

Interior is now responsible for the uses of mineral deposits as above described, subject to the condition that mineral development on these lands may be authorized by him only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The effect of the now pending reorganization plan, with reference to 66 Stat. 285, will be to transfer to the Secretary of Agriculture that part of the functions of the Secretary of the Interior under 66 Stat. 285 which is governed by section 402 of Reorganization Plan No. 3 of 1946, subject, however, to the limitation (b) set forth under "General," above.

Otherwise.—Section (1) of the reorganization plan transfers functions vested in the Secretary of the Interior by certain stated provisions "or otherwise." The quoted words are precautionary only; their effect would be to include any additional statutes, as described; however, no such statute has been identified at this time.

PART II. SECTIONS 2 AND 3 OF PLAN

Part I hereof identifies the functions to be transferred from the Secretary of the Interior to the Secretary of Agriculture by Reorganization Plan No. 1 of 1959. It reflects primarily the provisions of section 1 of the reorganization plan. There are set forth below brief analyses of sections 2 and 3 of the plan.

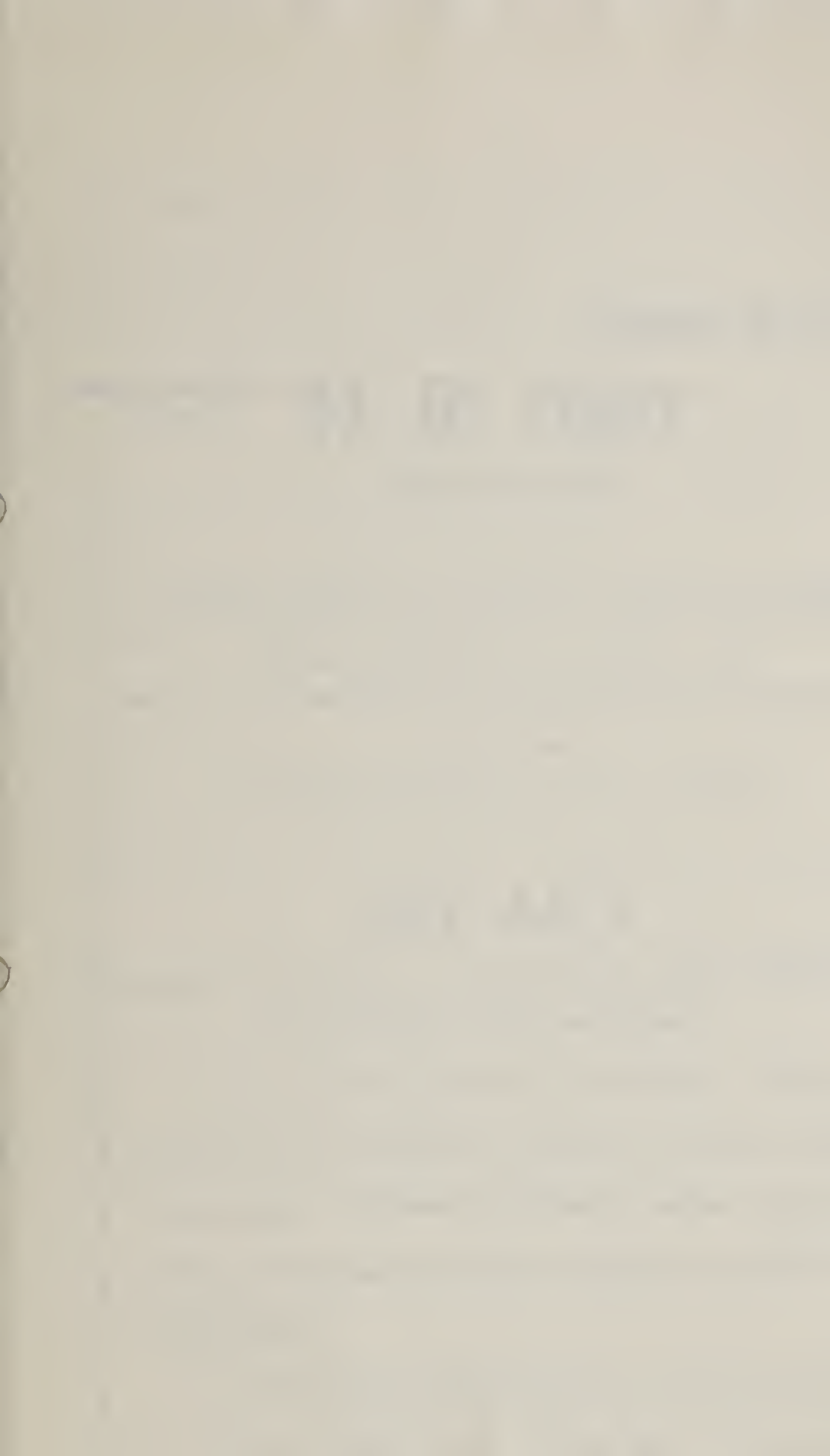
Section 2 of the plan

As is explained in part I, above, the transfers of functions under several items of section 1 of the reorganization plan are qualified by section 2. In consequence thereof, following the transfers, the Secretary of the Interior will be responsible (1) for issuing, on recommendation of the Secretary of Agriculture, patents for national forest lands exchanged under the statutory provisions referred to in sections 1 (a), (b), (e), (f), and (g) of the plan and for lands sold under the provision of law referred to in section 1(j) of the plan, and (2) for conveying, on recommendation of the Secretary of Agriculture, public domain national forest lands exchanged by the Secretary of Agriculture (pursuant to the reorganization plan) under the statutory provisions referred to in section 1(h) of the plan.

Section 3 of the plan

Section 4(a) of Reorganization Plan No. 2 of 1953 empowers the Secretary of Agriculture to provide for the performance of his functions by officers, agencies, and employees of the Department of Agriculture. The effect of section 3 of Reorganization Plan No. 1 of 1959 will be to recognize that the Secretary of Agriculture will have like authority in respect of the functions transferred to him by the latter plan.





Calendar No. 1417

86TH CONGRESS
2D SESSION

H. R. 7681

[Report No. 1353]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3 (legislative day, AUGUST 31), 1959

Read twice and referred to the Committee on Government Operations

MAY 16, 1960

Reported by Mr. McCLELLAN, without amendment

AN ACT

To enact the provisions of Reorganization Plan Numbered 1
of 1959 with certain amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, except as otherwise provided in section 2 hereof, the
4 following functions are hereby transferred to the Secretary
5 of Agriculture:

6 (a) The functions of the Secretary of the Interior under
7 the Act of March 20, 1922, 42 Stat. 465, as amended (16
8 U.S.C. 485, 486), with respect to exchanges of non-Federal
9 lands for national forest lands or timber.

10 (b) The functions of the Secretary of the Interior

1 under the Act of February 2, 1922 (42 Stat. 362), with
2 respect to exchanges of lands in private ownership within
3 or within six miles of the Deschutes National Forest for
4 national forest lands, or for timber from any national forest,
5 in the State of Oregon.

6 (c) The functions of the Secretary of the Interior under
7 the Act of June 7, 1924 (43 Stat. 643), except section 2
8 thereof, with respect to exchanges of privately owned lands
9 for national forest timber in New Mexico.

10 (d) The functions of the Secretary of the Interior under
11 the Act of January 12, 1925 (43 Stat. 739), except section
12 2 thereof, with respect to exchanges of privately owned
13 lands for national forest timber in New Mexico.

14 (e) The functions of the Secretary of the Interior under
15 the Act of April 21, 1926 (44 Stat. 303), except section
16 2 thereof, with respect to exchanges of privately owned
17 lands for national forest lands or timber in New Mexico and
18 Arizona.

19 (f) The functions of the Secretary of the Interior under
20 section 2 of the Act of May 26, 1926 (44 Stat. 655; 16
21 U.S.C. 38), with respect to exchanges of lands held in
22 private or State ownership for national forest lands or timber
23 in Montana.

24 (g) The functions of the Secretary of the Interior under
25 the Act of June 15, 1926 (44 Stat. 746), with respect to

1 exchanges of State lands for national forest lands in New
2 Mexico.

3 (h) The functions of the Secretary of the Interior under
4 the Act of December 7, 1942 (56 Stat. 1042), with respect
5 to exchange transactions in which lands under the jurisdic-
6 tion of the Secretary of Agriculture are exchanged for State
7 lands in Minnesota which are to be under the jurisdiction
8 of the Secretary of Agriculture after their acquisition by the
9 United States.

10 (i) The function of the Secretary of the Interior
11 (originally vested in the Commissioner of the General Land
12 Office) under section 6 of the Act of April 28, 1930 (46
13 Stat. 257; 43 U.S.C. 872), with respect to execution of
14 quitclaim deeds for lands conveyed to the United States in
15 connection with exchange transactions involving lands under
16 the jurisdiction of the Secretary of Agriculture.

17 (j) The functions of the Secretary of the Interior under
18 section 2 (b) of the Joint Resolution of August 8, 1947
19 (61 Stat. 921), with respect to appraisals and sales of cer-
20 tain lands within the Tongass National Forest.

21 (k) The functions of the Secretary of the Interior under
22 section 10 of the Act of March 1, 1911 (36 Stat. 962; 16
23 U.S.C. 519), with respect to sales of small tracts of acquired
24 national forest lands found chiefly valuable for agriculture.

25 (l) The functions of the Secretary of the Interior under

1 section 402 of Reorganization Plan Numbered 3 of 1946
2 (60 Stat. 1099), section 3 of the Act of September 1, 1949
3 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950
4 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of
5 June 28, 1952 (66 Stat. 285), or otherwise, with respect
6 to the use and disposal from lands under the jurisdiction of
7 the Secretary of Agriculture of those mineral materials which
8 the Secretary of Agriculture is authorized to dispose of from
9 other lands under his jurisdiction under the Act of July 31,
10 1947 (61 Stat. 681), as amended by the Act of July 23,
11 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

12 SEC. 2. (a) In no case covered by subsections (a),
13 (b), (e), (g), and (h) of section 1 hereof shall the ex-
14 change provide for the patenting of land by the United
15 States without a reservation of minerals (1) unless the
16 Secretary of Agriculture has obtained the advice of the
17 Secretary of the Interior that the land is nonmineral in
18 character, or (2) unless the Secretary of the Interior ap-
19 proves of the valuation and disposition of the minerals in
20 the lands to be patented. A sale of land covered by sub-
21 section (j) of section 1 hereof shall be made by the Sec-
22 retary of Agriculture without a reservation of minerals only
23 after consultation with, and the approval of, the Secretary of

1 the Interior as to the valuation and disposition of the
2 minerals. No lands of the United States shall be exchanged
3 in any case covered by subsection (f) of section 1 hereof
4 unless the Secretary of Agriculture has obtained the advice
5 of the Secretary of the Interior that such lands are non-
6 mineral in character.

7 (b) Nothing in this Act shall be construed to authorize
8 the Secretary of Agriculture to determine or adjudicate the
9 validity or invalidity of any mining claim or part thereof.

10 (c) Nothing in subsection (l) of section 1 hereof shall
11 be construed to authorize the Secretary of Agriculture to dis-
12 pose of coal, phosphate, sodium, potassium, oil, oil shale,
13 gas, or sulfur, or to dispose of any minerals which would
14 be subject to disposal under the mining laws if said laws
15 were applicable to the lands in which the minerals are
16 situated.

17 (d) Upon approval by the Secretary of Agriculture pur-
18 suant to the provisions of this Act of any exchange or sale,
19 respectively, of national forest lands under the provisions of
20 law referred to in subsections (a), (b), (e), (f), (g), and
21 (j) of section 1, hereof, the Secretary of the Interior, upon
22 the recommendation of the Secretary of Agriculture, shall
23 issue the patent therefor.

1 (e) All conveyances under the Act referred to in sub-
2 section (h) of section 1 hereof of national forest lands re-
3 served from the public domain shall, upon recommendation
4 of the Secretary of Agriculture, be made by the Secretary of
5 the Interior.

Passed the House of Representatives September 2, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

Calendar No. 1417

86TH CONGRESS
2^D SESSION

H. R. 7681

[Report No. 1353]

AN ACT

To enact the provisions of Reorganization Plan
Numbered 1 of 1959 with certain amend-
ments.

SEPTEMBER 3 (legislative day, August 31), 1959

Read twice and referred to the Committee on
Government Operations

MAY 16, 1960

Reported without amendment

May 26, 1960

10. COOPERATIVES; FARM CREDIT. Passed as reported S. 2977, to amend the Farm Credit Act of 1933 so as to provide for increased representation by regional banks for cooperatives on the board of directors of the Central Bank for Cooperatives. pp. 10392-3
11. LANDS; FORESTRY. Passed without amendment S. 3070, to provide for the removal of the restriction on use with respect to certain former Soil Conservation Service nursery lands in Morton County, N. Dak., conveyed to N. Dak. on July 20, 1955. p. 10393
- Passed over, at the request of Sen. Keating, S. 2583, to authorize the head of any executive agency to reimburse the owners and tenants of lands or interest therein for moving or other expenses incurred by such persons resulting from the acquisition of the property by the Federal Government. p. 10397
- Passed over, at the request of Sen. Bartlett, H. R. 7681, to provide for the transfer from Interior to this Department of certain authorities for the exchange or sale of forest land and timber. p. 10395
- Passed over, at the request of Sen. Bartlett, S. 3044, to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services. p. 10401
- Passed over, at the request of Sen. Bartlett, S. 1787, to regulate the misbranding, false advertising, and false invoicing of decorative hardwood or imitation hardwood products. p. 10401
- Began consideration of S. 1617, to provide for the adjustment of legislative jurisdiction exercised by the U. S. over land in the several States used for Federal purposes. p. 10404
12. TAXES; PROPERTY. Passed without amendment H. R. 9983, to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments. This bill will now be sent to the President. p. 10395
13. FOREIGN AID. Passed over, at the request of Sen. Bartlett, S. 3074, to provide for U. S. participation in the International Development Association. p. 10395
14. INFORMATION; SCIENCE. By a vote of 77 to 4, agreed to a resolution of ratification of an international agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific, and cultural character. pp. 10364-84
15. RESEARCH. Passed without amendment S. 1235, to authorize the Secretary of Commerce to enter into contracts for the conduct of research in the field of meteorology. p. 10395
16. WOOL. Passed as reported H. R. 9322, to make permanent the existing suspension of duties on certain coarse wool. pp. 10399-400
17. PERSONNEL; PROPERTY. Passed as reported H. R. 9881, to extend for two years the existing provisions of law relating to the free importation of personal and household effects brought into the U. S. under Government orders. pp. 10400-1
18. LIBRARIES. Passed as reported S. 2830, to extend for 5 years the appropriation authorizations under the Library Services Act. pp. 10401-2

19. FARM WAGES. Sen. Williams, N. J., inserted an article which "adds new understanding to the desirability of improving farm wages and to what the consequences might be on food prices," and stated that the Labor Department has just completed a study which "concludes that a minimum wage for hired farmworkers is both feasible and desirable if the rates are set within appropriate limits." pp. 10407-8
20. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) the following bills: pp. D468-8
S. 1638, with amendment, to provide for an effective system of personnel administration for the executive branch of the Government;
H. R. 4595, with amendment, to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials;
H. R. 4601, to amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S.;
H. R. 10996, to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted by registered mail.
21. WATER RIGHTS. Sen. Kuchel discussed the rights of States to have jurisdiction over the water within their boundaries, criticized "the startling assertion by the U. S. Department of Justice that the Federal Government, not the State of California, owns all of the unappropriated water rights in the State," and inserted several items discussing this matter. pp. 10349-53
22. PALM OIL. Received from GSA a notice of the proposed disposition of approximately 37,609,878 pounds of palm oil now held in the national stockpile. p. 10329
23. MIGRATORY LABOR. Sen. Williams, N. J., inserted his statement urging the enactment of legislation to provide Federal assistance for the education of children of migratory workers. pp. 10335-6

ITEMS IN APPENDIX

24. AREA DEVELOPMENT. Extension of remarks of Rep. Gray stating that the people in his district "were all grieved when the President saw fit to veto the area redevelopment bill." pp. A4482-3
25. FLOOD CONTROL. Sen. Wiley inserted excerpts from his recent address before the National Rivers and Harbors Congress. p. A4483
26. FARM PROGRAM. Extension of remarks of Rep. Quie inserting a Grange Farm Reporter newsletter which discusses the Poage farm bill. pp. A4483-4
Rep. Poage commended and inserted an article "which gives a factual report of the farm situation," and "which shows very clearly just how a return to unlimited plantings would weaken our entire economy." pp. A4519-20
Rep. Hagen inserted an article by Chas. Shuman which states that "Agriculture's modern quest for the unattainable is the equally fruitless search for a 'sound, workable Government farm program.'" pp. A4533-4
27. RURAL COUNTIES. Sen. Mundt stated that a "considerable amount of support has developed" for his proposed bill which would create a Federal Commission to deal with the problems of small towns and rural areas in America, and inserted two articles on this subject. pp. A4486-7

(b) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to fail to stop upon being hailed by a duly authorized official of the United States or Cuba, or to refuse to permit the duly authorized official of the United States or Cuba to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provisions of this Act or the Convention, as the case may be, or obstruct such officials in the performance of their duties.

SEC. 15. (a) Any person, subject to the jurisdiction of the United States, violating any provision of subsection (a) of section 14 of this Act shall upon conviction be fined not more than \$5,000, for a first offense, and for a subsequent offense not more than \$10,000 and for each offense the court may order forfeited, in whole or in part, the shrimp involved in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited shrimp or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person, subject to the jurisdiction of the United States, violating subsection (b) of section 14 of this Act shall upon conviction be fined not more than \$10,000 and for such offense the court may order forfeited, in whole or in part, the shrimp or fishing gear on board the vessel, or both, or the monetary value thereof. Such shrimp or fishing gear shall be disposed of in accordance with the direction of the court.

SEC. 16. There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the convention and this Act.

SEC. 17. If any provision of this Act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESEARCH IN THE FIELD OF METEOROLOGY

The bill (S. 1235) to authorize the Secretary of Commerce to enter into contracts for the conduct of research in the field of meteorology and to authorize installation of Government telephones in certain private residences, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to improve the meteorological services of the United States the Secretary of Commerce may enter into contracts with private or governmental facilities to conduct research in meteorology, including agricultural meteorology, hydrology, climatology, and closely related geophysical fields, and provide for the publication of results of such research contracts unless such publication would be contrary to the public interest.

SEC. 2. Notwithstanding the provisions of section 7 of the Act of August 23, 1912 (ch. 350, 37 Stat. 474), as amended, appropriations for the Weather Bureau shall be available to pay for telephone service installed in private residences when such installation is determined by the Secretary of Commerce to be needed in carrying out the provisions of law authorizing the collection and distribution of data relating to information, on

weather conditions in the United States, its Territories and possessions: *Provided,* That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

BILLS PASSED OVER

The bill (S. 3074) to provide for the participation of the United States in the International Development Association, was announced as next in order.

Mr. BARTLETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2581) to amend the act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen, was announced as next in order.

Mr. KEATING. Mr. President, over, by request.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENTS IN LIEU OF TAXES

The bill (H.R. 9933) to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 7681) to enact provisions of Reorganization Plan No. 1 of 1959, with certain amendments, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, as not being properly calendar business.

The PRESIDING OFFICER. The bill will be passed over.

PENALTIES FOR THREATS AGAINST THE SUCCESSORS TO THE PRESIDENCY

The bill (S. 3366) to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency and to authorize their protection by the Secret Service was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 871, is amended to read as follows.

"§ 871. Threats against President and successors to the Presidency.

"(a) Whoever knowingly and willfully deposits for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, mis-sive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President, or other officer next in the order of succession to the office of President of the United States, or the Vice-President-elect, or knowingly and willfully otherwise makes any such threat

against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice-President-elect, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

"(b) The terms 'President-elect' and 'Vice-President-elect' as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2. The phrase 'other officer next in the order of succession to the office of President' as used in this section shall mean the person next in the order of succession to act as President in accordance with title 3, United States Code, sections 19 and 20."

SEC. 2. The analysis of chapter 41 of title 18, United States Code, immediately preceding section 871 of such title is amended by deleting

"871. Threats against President, President-elect, and Vice President."

and inserting in lieu thereof the following:

"871. Threats against President and successors to the Presidency."

SEC. 3. The first independent clause of title 18, United States Code, section 3056, is amended to read as follows:

"§ 3056. Secret Service powers.

"Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President, or other officer next in the order of succession to the office of President, and the Vice-President-elect."

SEC. 4. Section 3 of this Act shall be effective with respect to the Vice President as of January 20, 1961.

EXTENSION OF TERM OF DESIGN PATENT NO. 21,053

The bill (S. 2744) to extend the term of design patent No. 21,053 for a badge granted to George Brown Goode and assigned to the National Society, Daughters of the American Revolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office, dated September 22, 1891, being patent numbered 21,053, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as the badge of the Daughters of the American Revolution.

MLADEN CARRARA AND OTHERS

The bill (S. 700) for the relief of Mladen Carrara, Tonina Carrara, Ante Carrara and Zvonko Carrara was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Mladen Carrara, Tonina Carrara, Ante Carrara and Zvonko Carrara shall be held and considered to have been lawfully ad-

mitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

CHRISTOS G. DIAVATINOS

The bill (S. 993) for the relief of Christos G. Diavatinos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Christos G. Diavatinos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

GEORGE D. EMERY CO.

The bill (S. 2277) for the relief of the George D. Emery Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Geo. D. Emery Company, of New York, New York, the sum of \$20,000. The payment of such sum shall be in full satisfaction of all claims of such company against the United States for reimbursement and compensation due for services performed by such company between 1950 and 1953 in cooperation with the Reconstruction Finance Corporation and other Government agencies in connection with a project to establish for the United States an eight thousand acre abaca plantation in Ecuador.

(b) The sum appropriated by this section is the amount found by the Court of Claims, acting pursuant to S. Res. 102, Eighty-fourth Congress, to be equitably due the Geo. D. Emery Company as a result of the performance by such company of the services referred to in subsection (a) of this section.

Sec. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

JULIA SUKKAR

The bill (S. 2740) for the relief of Julia Sukkar was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Julia Sukkar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secre-

tary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

EUGENE STORME

The bill (S. 2942) for the relief of Eugene Storme was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Eugene Storme, shall be held and considered to be the natural-born alien child of Stanley Storme and Adele Storme, citizens of the United States: *Provided,* That the natural parents of the said Eugene Storme shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

OH CHUN SOON

The bill (S. 3049) for the relief of Oh Chun Soon was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Oh Chun Soon, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Alvin L. May, citizens of the United States: *Provided,* That the natural parents of the said Oh Chun Soon shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SAMUEL PISAR

The Senate proceeded to consider the bill (S. 3032) for the relief of Samuel Pisar, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Samuel Pisar has resided and was physically present in the United States or any State since October 29, 1956, shall be held and considered as compliance with the residence or physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNE MARIE STEHLIN

The Senate proceeded to consider the bill (S. 3130) for the relief of Anne Marie Stehlin, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Anne-Marie Stehlin, a naturalized citizen of the United States, shall be permitted to reside in France until May 31, 1964, without losing her United States citizenship under section 352(a) of such Act.

Mr. KEATING. Mr. President, I am delighted at the favorable action of the

Senate Committee on the Judiciary on my bill—S. 3130—for the relief of Anne Marie Stehlin.

Mrs. Stehlin's case is illustrative of the difficulties which can be visited upon dedicated, loyal Americans by the complexities of our Immigration and Naturalization laws. Her mother, grandmother, great grandmother and great-great grandmother were all American citizens, and her family dates back in the United States to the early 1800's.

Mrs. Stehlin's father was a French citizen, as is her husband, Gen. Paul Stehlin, the chief of the French Air Force. However, both she and her mother declared at the time of their marriages, that they did not want to become French citizens and desired to retain their American citizenship. For many years after her naturalization, Mrs. Stehlin returned periodically to the United States. Because of her husband's position, it is now virtually impossible for Mrs. Stehlin to come to the United States without leaving her husband and child in Europe. At the same time, under the provisions of the Immigration and Naturalization Act, she would lose her American citizenship if she did not return to the United States. There is no justification whatever for placing Mrs. Stehlin and her family in this dilemma. The situation is obviously upsetting to her and could have a very undesirable effect on the morale of all the principals involved. This bill would simply permit Mrs. Stehlin to continue to be with her husband without risking the loss of her U.S. citizenship.

I have received letters in behalf of the legislation from many eminent Americans including the distinguished Senator from Missouri [Mr. SYMINGTON], all of which are contained in the report of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Anne Marie Stehlin."

LEANDRO PASTOR, JR., AND PEDRO PASTOR

The bill (H.R. 1402) for the relief of Leandro Pastor, Jr., and Pedro Pastor was considered, ordered to a third reading, read the third time, and passed.

JOHAN KAREL CHRISTOPH SCHLICHTER

The bill (H.R. 1463) for the relief of Johan Karel Christoph Schlichter was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 1516) for the relief of Juan D. Quintos, Jaime Hernandez, Del-fin Buencamino, Soledad Gomez, Nieves G. Argonza, Feledidad G. Sarayba, Carmen Vda de Gomez, Perfecta B. Quintos, and Binevenida San Augustin was announced as next in order.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: House committee voted to report sugar bill. House committee reported bill to extend minimum national quota for extra long staple cotton. Senate appointed conferees on industrial uses research bill. House received supplemental appropriation estimate for research on chemical residues. House agreed to conference report on Treasury-Post Office appropriation bill. Rep. Hoeven introduced sugar bill.

SENATE

1. **RESEARCH.** Conferees were appointed on S. 690, the industrial uses research bill to create an Agricultural Research and Development Commission. House conferees have not yet been appointed. pp. 10711-2
2. **WATERSHEDS.** The Agriculture and Forestry Committee reported with amendment S. 3383, to amend Sec. 4 of the Watershed Protection and Flood Prevention Act so as to authorize Federal assistance on watershed projects prior to acquisition of land, easements, or rights-of-way needed in connection with works of improvement (S. Rept. 1495). p. 10677

The Agriculture and Forestry Committee approved the following watershed projects: Bad Axe, Wis.; Badger Creek, Iowa; Fishing Creek, S. C.; Marsh Creek,

Ky. and Tenn.; Mill-Picayune Creek, Iowa; Persimmon and Burnt Corn Creek, Miss.; and Tabo Creek, Mo. p. D484

3. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported without amendment H. R. 10840, to extend for 1 year, until June 30, 1961, the period during which ocean steamship lines may, with the approval of the Federal Maritime Board, utilize the two-rate system of charging for transportation service (S. Rept. 1497). p. 10677
 4. POSTAL RATES; INFORMATION. The Post Office and Civil Service Committee reported with amendments H. R. 4595, to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials (S. Rept. 1496). p. 10677
 5. MILITARY CONSTRUCTION. Both Houses agreed to the conference report on H. R. 10777, the military construction authorization bill. This bill will now be sent to the President. pp. 10704-7, 10744-6
 6. WOOL IMPORTS. Both Houses appointed conferees on H. R. 9322, to make permanent the existing suspension of duties on certain coarse wool. pp. 10707, 10747
 7. PERSONNEL; PROPERTY. Both Houses appointed conferees on H. R. 9881, to extend for two years the existing provisions of law relating to the free importation of personal and household effects brought into the U. S. under Government orders. pp. 10707, 10747
 8. FREIGHT FORWARDERS; TRANSPORTATION. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 5068, to amend the Shipping Act of 1916 to provide for licensing independent freight forwarders. p. D484
 9. FORESTRY. H. R. 7681, to provide for the transfer from Interior to this Department of certain authorities for the exchange or sale of forest land and timber, was made the unfinished business. p. 10741
 10. FARM MACHINERY. Sen. Proxmire inserted a newspaper article discussing the increased imports of tractors and other farm machinery and the possible effects of such imports on the production of farm machinery in this country. pp. 10715-7
 11. LEGISLATIVE ACCOMPLISHMENTS. Sen. Johnson inserted a summary of legislation passed during the second session of this Congress, as of June 1, 1960. pp. 10740-1
 12. LEGISLATIVE PROGRAM. Sen. Mansfield stated that it was unlikely that wheat legislation would be considered this week (p. 10675). Sen. Johnson announced that the calendar will be called today, June 2 (p. 10740). Sen. Johnson listed legislation he expects to be enacted during the remainder of this session, including farm legislation, a bill to increase minimum wage rates, and the mutual security bill (p. 10741).
- HOUSE
13. APPROPRIATIONS. Received from the President a supplemental estimate for the fiscal year 1961 (House Doc. 403); to Appropriations Committee. This document includes \$1,500,000 for the Agricultural Research Service for additional research

ders and for flight to avoid prosecution for vandalism; required preservation of Federal election records for 22 months; authorized availability of funds for education of servicemen's children in areas where schools are closed by integration disputes (Public Law 86-449);

Required that bank mergers have approval of Federal Reserve Board, Comptroller of Currency, or Federal Deposit Insurance Corporation as an insurance against monopoly (Public Law 86-463);

Authorized \$290 million for construction of San Luis unit of Central Valley water supply project (at White House);

Extended special milk program for children to June 30, 1961, and authorized maximum expenditures of \$85 million in fiscal 1960 and \$95 million in 1961 (Public Law 86-446);

Extended for 5 years the library extension service—to provide mobile facilities for rural areas;

Authorized \$1.8 billion for 2 years for school construction and teachers' salaries;

Adopted a proposed constitutional amendment giving residents of the District of Columbia the right to vote for President and Vice President; abolished the poll tax; and granted power to State Governors to fill vacancies in the House if more than 50 percent of its membership were killed in a disaster;

Provided former Federal employees retired prior to the effective date of the Health Benefits Act of 1959, with a health benefits program patterned after and somewhat comparable to the program which becomes available on July 1, 1960, to present employees and future retirees;

Extended the mandatory provisions of the Federal Mine Safety Act to all underground mines regardless of size;

Revised Federal elections law governing campaign contributions and expenditures;

Established system of licensing and control over manufacture of narcotic drugs;

Authorized Federal grants of \$5 million a year for 5 years to local communities and nonprofit agencies to finance projects to combat juvenile delinquency and established a national advisory council to review and make recommendations on projects proposed for Federal assistance under the act; and

Authorized an air pollution study.

In the economic area we have—

Authorized Federal grants and loans totaling \$251 million for the relief of chronically depressed industrial and rural areas (vetoed);

Permitted personal income tax deduction of all medical expenses incurred by any taxpayer for care of dependent parent over 65 (Public Law 86-470);

Authorized a 5-year program of payments to State and local governments in lieu of

taxes for Federal lands; established a Board to administer the program and report on need for permanent legislation;

Permitted application of loan provisions of Watershed Protection and Flood Prevention Act to other soil-conservation projects (Public Law 86-463);

Stabilized price supports for tobacco (Public Law 86-389);

Established a Commission on problems of rural counties and small communities;

Provided additional compensation for disabled veterans with more than three children;

Reduced cabaret tax from 20 to 10 percent (Public Law 86-422); and

Revised method for treatment of railroad corporation income resulting from discharge of indebtedness in receivership or under bankruptcy proceedings.

Mr. JOHNSON of Texas. Mr. President, these are some of the more important things we have done. However, the session is not over. There are many other things of major importance which we hope and expect to accomplish before adjournment.

It is my desire that, prior to adjournment, we enact an immigration bill; a bill to increase the minimum wage and to extend coverage; a health insurance plan for the aged; increases in defense appropriations and in expenditures for health research; an education bill; farm legislation to reverse the serious decline in net farm income; amendments to the highway construction program; required levels of appropriations to meet our objectives in the mutual security program; an omnibus rivers and harbors and flood-control bill; improvements in social security benefits; and, of course, the completion of all of the regular appropriation bills for the operation of the Government.

I urge and earnestly request each Member of the Senate to do all that he possibly can to complete the essential committee work on those bills that are pending before the committees of the Senate.

With the cooperation of all, I am confident we will have a productive session, resulting in the enactment of many significant laws to protect our security by increasing our strength, and to improve our welfare by meeting urgent social problems.

ENACTMENT OF PROVISIONS OF REORGANIZATION PLAN NO. 1

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1417, House bill 7681.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 7681) to enact the provisions of Reorganization Plan No. 1 of 1959 with certain amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill.

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate adjourn until tomorrow, at 12 o'clock.

The motion was agreed to; and (at 6 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 2, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 1, 1960:

IN THE NAVY

Adm. Herbert G. Hopwood, U.S. Navy, to have the grade of admiral on the retired list pursuant to title 10, United States Code, section 5233.

Vice Adm. Ralph E. Wilson, U.S. Navy, and Vice Adm. William L. Rees, U.S. Navy, to have the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Having designated, under the provisions of title 10, United States Code, section 5231, Vice Adm. John H. Sides, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of admiral while so serving.

Having designated, under the provisions of title 10, United States Code, section 5231, the following named officers for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of vice admiral while so serving:

Rear Adm. Frank O'Beirne, U.S. Navy.

Rear Adm. Laurence H. Frost, U.S. Navy.

Rear Adm. Howard A. Yeager, U.S. Navy.

House of Representatives

WEDNESDAY, JUNE 1, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 4:3: Endeavor to keep the unity of the Spirit in the bond of peace.

Most merciful and gracious God, in this moment of prayer, may we be blessed with an inner experience of peace and strength.

Grant that, as citizens of this God-fearing Nation, we may aspire to achieve a closer fellowship with one another in the life of the spirit.

Help us to cultivate mutual understanding and a respectful attitude toward others whose religious creed and convictions, by reason of tradition, teaching or choice, may differ from our own.

Grant that all who love God and their fellow men may join hearts and hands in a new covenant of love and loyalty to keep the light of religion aglow in these dark times and help stem the tides of crass materialism and blatant atheism.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 13, 1960:

H.R. 1217. An act to suspend for 2 years the import duty on certain amorphous graphite;

H.R. 1752. An act for the relief of Wilhelmina Ordonez;

H.R. 2082. An act for the relief of James Demetrios Chrysanthos, also known as James Demetrios Chrysanthopoulos;

H.R. 3786. An act for the relief of Chan Kit Ying and James George Bainter;

H.R. 3934. An act for the relief of Mrs. E. Christine Williams;

H.R. 4562. An act for the relief of Stanislaw Grzelewski;

H.R. 4781. An act to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes;

H.R. 4825. An act for the relief of Jean K. Simmons;

H.R. 5349. An act to provide for the conveyance to Orange County, Calif., of all right, title and interest of the United States in and to certain real property situated in Orange County, Calif.

H.R. 6083. An act for the relief of Mary V. Jones;

H.R. 6493. An act for the relief of Robert Dolton;

H.R. 6843. An act for the relief of Daniel Wilging;

H.R. 7226. An act for the relief of Hughie D. Martin and Ione Martin;

H.R. 7254. An act for the relief of Simeen Helena Chaghaghi;

H.R. 7363. An act for the relief of Chester A. Spindler;

H.R. 8280. An act for the relief of Clarence T. Tolpo;

H.R. 8383. An act for the relief of Maj. Jack E. Hudson;

H.R. 8456. An act for the relief of Capt. Jack Rubley;

H.R. 8672. An act for the relief of Dr. Deh Chang Tao;

H.R. 8684. An act to provide transitional provisions for the income tax treatment of dealer reserve income;

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y.;

H.R. 8941. An act for the relief of Mrs. Alice Anderson;

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey;

H.R. 9216. An act for the relief of Daniel C. Turner;

H.R. 9464. An act to remove the requirement that, of the Chief and Deputy Chief of the Bureau of Ships, one must be specially qualified and experienced in naval engineering and the other must be specially qualified and experienced in naval architecture;

H.R. 9476. An act for the relief of George E. Williams and William L. Johnson;

H.R. 9760. An act for the relief of Sam Doolittle;

H.R. 9861. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber;

H.R. 10045. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended;

H.R. 10164. An act to change the name of the locks and dam No. 41 on the Ohio River at Louisville, Ky.;

H.R. 10234. An act making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 10401. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 10550. An act to extend the Export Control Act of 1949 for 2 additional years;

H.R. 11415. An act to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas";

H.R. 11713. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.J. Res. 598. Joint resolution to extend the time for filing of the final report of the Lincoln Sesquicentennial Commission.

On May 14, 1960:

H.R. 1607. An act for the relief of Mrs. Anne Morgan;

H.R. 8042. An act to authorize the Secretary of Commerce to resell any two of four C1-SAY-1 type vessels to the Government of the Republic of China for use in Chinese

trade in Far East and Near East waters exclusively;

H.R. 9449. An act to amend certain sections of title 14, United States Code, relating to personnel matters in the United States Coast Guard, and for other purposes;

H.R. 9660. An act to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, and for other purposes;

H.R. 10474. An act to authorize the construction of modern naval vessels;

H.R. 11510. An act to amend further the Mutual Security Act of 1954, as amended, and for other purposes; and

H.J. Res. 352. Joint resolution to authorize preliminary study and review in connection with proposed additional building for the Library of Congress.

On May 20, 1960:

H.J. Res. 602. Joint resolution authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week.

TREASURY AND POST OFFICE DEPARTMENTS AND TAX COURT OF THE UNITED STATES APPROPRIATION BILL, FISCAL YEAR 1961

Mr. GARY. Mr. Speaker, I call up the conference report on the bill (H.R. 10569) making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 26, 1960.)

Mr. GARY (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, the gentleman is going to take time to explain the bill before the vote on the conference report, is he not?

Mr. GARY. I shall be very happy to explain it immediately, if this unanimous-consent request is granted.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of June 3, 1960
86th-2d, No. 101

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HIGHLIGHTS: Sen. Keating urged support for Administration sugar bill. Senate passed bill to transfer forest land authorities from Interior to USDA.

SENATE

1. FORESTRY. Passed without amendment H. R. 7631, to provide for the transfer from the Department of Interior to this Department of certain authorities for the exchange or sale of forest land and timber. This bill will now be sent to the President. p. 10964

Sen. Stennis spoke in favor of the enactment of S. 3044, to provide for the management of the national forests for multiple use and sustained yield of resources, products, and services, stating that passage of this bill "will be another milestone in our constant efforts to make the national forests the best managed public properties in the world." pp. 10967-8

Sen. Morse inserted a newspaper article and an editorial discussing the decline in the price of plywood. pp. 10949

2. SUGAR. Sen. Keating expressed regret that "the House Agriculture Committee has not seen fit to go along with President Eisenhower's requests concerning the Sugar Act," stating that the "President has asked for this authority to adjust certain foreign quotas when he finds such action is called for, either in the national interest or to insure domestic supplies of sugar. I think the committee has been extremely short-sighted in this respect and I certainly expect this bill will be opposed if it comes before the Senate in this form." p. 10956

3. LAND ACQUISITION. Passed as reported S. 2583, to authorize Federal agencies to reimburse certain landowners for their moving expenses when the land is acquired by the Federal Government. pp. 10964-5, 10967
4. AGRICULTURAL HALL OF FAME. The Judiciary Committee reported without amendment H. R. 5789, to incorporate the Agricultural Hall of Fame and to establish a library and museum in Kansas City, Kan., to honor outstanding persons in the field of agriculture (including Secretary Benson and some previous Secretaries) (S. Rept. 1501). p. 10934
5. PERSONNEL. Sen. Byrd, Va., submitted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal employment and pay for the month of April. pp. 10934-7
6. TREASURY-POST OFFICE APPROPRIATION BILL, 1961. Sens. Robertson and Mansfield announced that the conference report on this bill, H. R. 10569, will be considered Mon., June 6. pp. 10939-41, 10961
7. FUTURE FARMERS. Sen. Morse commended two Ore. youth who received honors for their work in the Future Farmers of America. pp. 10944-5
8. WHEAT. Sen. Morse inserted a letter he received from the President, Oregon Wheat Growers League, opposing the proposed amendments of the Farm Bureau to S. 2759, the Ellender wheat bill, stating that the "American Farm Bureau plan -- and others -- that propose lower price supports and removal of acreage restrictions would, we believe, double the Federal Government's cost under CCC operations." p. 10945
9. SURPLUS COMMODITIES. Sen. Javits inserted excerpts from an article by a professor of economics of Columbia University suggesting, as means of disposing of surplus agricultural commodities, the establishment of national buffer stocks and creation of strategic and emergency food reserves out of existing inventories, increased marketing of new food commodities, and the establishment of strategic stockpiles of food and related commodities in the NATO countries of Western Europe. p. 10950
10. PUBLIC LANDS. Sen. Goldwater stated that "the fantastic rate of growth in our Western States makes it imperative that needed public domain lands be moved into private ownership," and urged the establishment of a commission to study this matter. pp. 10962-3
11. WOOL. The Judiciary Committee voted to report (but did not actually report) S. J. Res. 187, designating the month of Sept. 1960 as National Wool Month. p. D500
12. ADJOURNED until Mon., June 6. p. 10969

HOUSE

13. PERSONNEL. Rep. McCormack stated that the required number of signatures, 219, had been obtained for the discharge petition to discharge the Rules Committee from consideration of a resolution for consideration of H. R. 9833, the Federal employees pay raise bill. (pp. 10988, 10994-5) Earlier it was stated that this bill would probably be considered on Mon., June 13. (pp. 10971

mention proper and prudent, to take into account that various factors bearing upon the economic value of land. They must consider such items as improvements upon the land, its location, the utilities which may or may not be available, public access, and other matters.

Are not the same factors equally applicable to Government-owned lands? The subcommittee majority holds that this is not so—another eerie bit of magic.

The subcommittee left a number of questions unanswered at the Phoenix hearing. Some of them are:

Why does it persist in treating the exchanges as sales? Why not treat them as exchanges—or trades, as in fact they were?

Why ignore the provision of the Taylor Grazing Act which calls for the Government to obtain land of not less than equal value in exchange for the land it trades away?

Why judge only one side of an exchange—the side the applicant obtained from the Government? Why not at least take into account what the Government received? Does it not matter that the Government obtained valuable lands? Or that the lands which the Government obtained are in an area of rapidly rising values? Why not at least consider the possibility that the Government got the best of the horse trade?

Would the majority decree a new national policy on public lands—a policy of exacting the highest dollar price, freezing land exchanges because prices may go up next week or a decade hence? How would a newly enunciated policy square with the Federal policies that date back to the Homestead Act of 1862? Does anyone think for a moment that such a policy could do anything but strangle the economic growth and development of the communities in the western land States?

The Phoenix hearing resulted in a blend of magic and omission, confusion compounded by ignorance. Yet the subcommittee in its wisdom announced that it had found the Government had suffered multimillion dollar losses.

Congressman Hoffman, when he submits his report on the hearing, will be quite capable of exposing it for what it was. But every Member of both Houses of Congress, and especially those Members from the public land States, will have an abiding concern over what this subcommittee is doing to wreck our long-established tradition of administering the public lands.

Mr. President, I should like to make one more point in regard to these investigations.

When the charges have died down and testimony is recorded, the subcommittee will undoubtedly make recommendations to revise some of the public laws under which the Bureau of Land Management operates.

This, Mr. President, is not a novel recommendation. As a matter of fact, last year, on August 11, I introduced for myself and Senator BARTLETT, Senate Joint Resolution 130 the purpose of which is, "For the establishment of a commission to study the nonmineral

public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to State and local governments or their instrumentalities." This joint resolution was introduced in the House by my colleague from Arizona, Mr. RHODES.

The resolution is still lying before the Interior Committee, awaiting reports from Government agencies. The resolution requests \$150,000 to carry out its provisions. I will not try to estimate the cost to the taxpayers of this series of subcommittee meetings throughout the West while a resolution to authorize a complete study with less pyrotechnics has lain idle before the Congress.

Mr. President, I will not contemplate on the intent of the subcommittee's probings into land transactions in my own State, or in other Western States; yet it seems to me that we can approach this problem in a manner much more fair, and on sounder ground, with a commission which would be dedicated to the unsharling of our public land laws, not obsessed with the desire to assume authority relegated to an executive agency.

ALLEGED BLOCKING OF MINIMUM WAGE LEGISLATION

Mr. GOLDWATER. Mr. President, I have one more item of very brief duration that I should like to speak on at this moment, to take advantage of my having the floor.

Appearing in the Washington Daily News, I believe night before last, under the byline of John Herling, was an article entitled "Is Lyndon Sitting On Labor Bill?"

This article is so full of inaccuracies and misstatements that I could not cover all of them in the time I have allotted to myself, but I want to make one thing clear. In that article the statement is made:

For weeks now, the Senate Labor Subcommittee, headed by JOHN F. KENNEDY, has been ready to present the Senate with a bill to raise the minimum rate from \$1 an hour and enlarge coverage to bring in millions of workers.

That statement is not true. The bill has been reported from the subcommittee to the full committee, and the full committee has been ready to meet every day this year that a committee could meet. We have been waiting for certain members to be present. The delay occasioned in working on this bill has not been due to the activities of the majority leader, and I want to make that perfectly clear as the ranking minority member of the Senate Committee on Labor and Public Welfare.

I point out another inaccuracy in the statement. It reads, "has been ready to present the Senate."

We have 2 or 3 weeks of hard work on this bill before we can unscramble the unholy mess it is now in. We have a decision to make about the tipped worker, the man who works in a restaurant or hotel and who depends on tips for his livelihood.

I alone have over 50 amendments I will offer in the full committee, if it ever meets, but I did want to take this opportunity to express surprise that a responsible journalist would go so far afield in accusing the majority leader of holding the bill up. I can assure you, Mr. President, there has been no holdup by the majority leader. We have been merely waiting for a time when we could get a quorum.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MANSFIELD. I wish to state to the Senator from Arizona that yesterday I made some comments on that article. It happened that on the two occasions when the early meetings were called I was acting as majority leader in place of the Senator from Texas, and the responsibility for calling those meetings at 10 o'clock was my own entirely. I cleared the matter with the minority leader, the Senator from Illinois [Mr. DIRKSEN], each time. There were, as a matter of fact, good and cogent reasons not related in the article, why we had the meetings on Tuesday and Thursday at 10 o'clock. There was no intent, consideration, or idea at all to keep us from consideration of the minimum wage bill, which, when the Senate Committee on Labor and Public Welfare reports it, will be given priority and quick consideration.

Mr. GOLDWATER. I thank the Senator for his remarks. The Senator from Montana spoke on the matter yesterday. I am in fullhearted accord with what he said. I should like to read one paragraph, because it will completely absolve not only the majority leader, but the majority whip. The Senator from Montana said:

Last Tuesday, while I was acting as majority leader, I arranged for the Senate to meet at 10 a.m. This arrangement was made at the request of Senator KENNEDY. He had to leave early in the afternoon for some reason and wanted to be present during the voting on the depressed areas bill.

I think that completely absolves the Senator of the responsibility which the columnist is trying to place upon the majority leader and others, as to why the bill has not been acted on in 2 years.

Mr. MANSFIELD. I will say, with regard to the following Thursday, that the reason for the early meeting was the fact that we could not finish consideration of the oleomargarine bill the night before. In an attempt to finish consideration and finally dispose of the bill, the Senate met at 10 o'clock on that Thursday.

Mr. GOLDWATER. I remember that very distinctly. I believe the majority whip will recall that I asked him several times during the day what the intentions were for the next day, which was Thursday, and he said, "I do not know. It depends upon how long your Members speak."

I recall that one of the Republican Senators had announced he had a rather lengthy discussion of the bill if certain amendments did not apply.

I know that at a very late hour—I believe the last hour—the distinguished

majority whip, the Senator from Montana [Mr. MANSFIELD], decided—and I am sure he decided reluctantly—we would have to meet at 10 o'clock the next morning to complete action on the bill.

ENACTMENT OF PROVISIONS OF REORGANIZATION PLAN NO. 1

The Senate resumed the consideration of the bill (H.R. 7681) to enact the provisions of Reorganization Plan No. 1 of 1959, with certain amendments.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). The Senator will state it.

Mr. McCLELLAN. Is H.R. 7681 the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, I have heard of no opposition to this measure. It is a House bill. It was considered by the Committee on Government Operations of the Senate, which reported it favorably.

We recall that in 1959 we had what is known as Reorganization Plan No. 1. The House, in studying the plan, discovered what was thought to be a defect in the plan, and therefore the House disapproved the plan. In lieu of the plan, the House passed this bill.

The real purpose of the bill is to enact the administrative transfers incorporated in Reorganization Plan No. 1 of 1949. At the same time, the bill would reaffirm the traditional authority of the Secretary of the Interior governing the disposition of valuable minerals on the public lands, to assure that enactment of the provisions of the reorganization plan cannot be construed as being an infringement upon his general authority relating to such minerals.

Mr. President, that is the apprehension which arose in the House of Representatives when it was considering Reorganization Plan No. 1. To make certain that the traditional authority and jurisdiction of the Secretary of the Interior with respect to the vital minerals over which he now has jurisdiction would not be transferred to the Secretary of Agriculture, the plan was killed. The plan, as we know, could not be amended, but had to be either accepted or rejected. Since the House discovered what was believed to be a defect in that regard, I have mentioned, the House killed Reorganization Plan No. 1, and, in effect, substituted this proposed legislation for the plan, so as to have provision included in the law which would make certain that the traditional authority and jurisdiction of the Secretary of the Interior over minerals was not to be transferred to the Secretary of Agriculture.

I know of no objection to the bill. Both the Secretary of Agriculture and the Secretary of the Interior have approved the bill, and the Budget Bureau has approved it. I know of no reason why the bill should not be passed.

Mr. CASE of South Dakota. Mr. President, the bill—H.R. 7681—to enact

the provisions of Reorganization Plan No. 1 of 1959 with certain amendments, is of considerable interest to the people in the Black Hills area of South Dakota, where the Black Hills National Forest is located, and where, from time to time, we have the matter of the exchange of non-Federal lands for national forests lands or timberlands, which offer to the Department of Agriculture or the Forest Service benefits in administration.

Personally I believe that the bill is well conceived, in that it will make it possible for the Department of Agriculture to handle these exchanges without requiring a duplication of attention, services, and effort by the Department of the Interior.

The amendment which was proposed by the committee to modify the reorganization plan as originally submitted is also important, to guard against possible delegation of authority by the Secretary of Agriculture in the making of land exchanges. I also heartily endorse the idea of the first paragraph in section 2 which makes clear that there are preserved for the Department of the Interior ministerial duties and administrative duties relating to the disposition of minerals on these public lands.

The bill as a whole and the reorganization plan as a whole are well conceived to centralize responsibility in the handling of two different types of public property, namely, forest lands on the one hand, and mineral interests on the other.

I heartily commend the action of the committee in bringing out the bill in this form, and support the idea of Reorganization Plan No. 1 of 1959, as amended by the bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7681) was ordered to a third reading, was read the third time, and passed.

REIMBURSEMENT OF OWNERS AND TENANTS OF LANDS FOR MOVING EXPENSES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1438, S. 2583.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2583) to authorize the head of any executive agency to reimburse owners and tenants of lands acquired for projects or activities under his jurisdiction for their moving expenses, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2583) to authorize the head of any executive agency to reimburse owners and tenants of lands acquired for projects or activities under his jurisdiction for their moving expenses, and for other purposes, which had been reported from the Committee on Government Operations, with amendments, on page 2, line

22, after the word "all", to strike out "acts and" and insert "acts", and in line 24, after the word "Act", to insert "and delegate the authority conferred by this Act, including the making of determinations and decisions to any other officers or officials of the agency"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as provided in section 4 hereof, the head of any executive agency is authorized, to the extent administratively determined by him to be fair and reasonable, to reimburse the owners and tenants of lands or interests in land in the States of the Union, the District of Columbia, Puerto Rico and the possessions of the United States hereafter acquired by purchase, condemnation or otherwise for any projects or activities under his jurisdiction for expenses and other losses and damages incurred by such owners and tenants in the process, and as a direct result, of moving themselves, their families, and their possessions because of said acquisition, which reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law: *Provided,* That the total of such reimbursement to the owners and tenants shall in no event exceed 25 per centum of the fair value of any parcel of land or interest in land, as determined by the head of the executive agency concerned. No payment under this Act shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the head of the executive agency concerned within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to an order of a court, or (b) the date upon which the parcel of land or interest in land involved is vacated, whichever first occurs.

SEC. 2. The head of each executive agency may perform any and all acts, make such rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of this Act and delegate the authority conferred by this Act, including the making of determinations and decisions to any other officers or officials of the agency. All functions performed under this Act shall be exempt from the operation of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001-1011), except as to the requirements of section 3 of said Act.

SEC. 3. Funds appropriated or otherwise available to the head of an executive agency for the acquisition of real property or interests therein shall also be available for carrying out the provisions of this Act.

SEC. 4. The provisions of this Act shall not apply to any acquisition of lands or interests therein by the Tennessee Valley Authority or to any executive agency or situation provided for in (a) section 401(b) of the Act of July 14, 1952 (66 Stat. 624-25), as amended, (b) section 305 of the Housing Act of 1956 (70 Stat. 1100-1101), as amended, or (c) the Act of May 29, 1958 (72 Stat. 152).

SEC. 5. The term "executive agency", as used in this Act, means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. McCLELLAN. Mr. President, this is a bill which would provide for the pay-

Public Law 86-509
86th Congress, H. R. 7681
June 11, 1960

AN ACT

74 STAT. 205.

To enact the provisions of Reorganization Plan Numbered 1 of 1959 with certain amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

Agriculture Department.
Transfer of functions.

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber. 43 Stat. 1090.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The function of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(l) The functions of the Secretary of the Interior under section 402 of Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099),

section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947 (61 Stat. 681), as amended by the Act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

Mineral policies.
Authorization.

SEC. 2. (a) In no case covered by subsections (a), (b), (e), (g), and (h) of section 1 hereof shall the exchange provide for the patenting of land by the United States without a reservation of minerals (1) unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that the land is nonmineral in character, or (2) unless the Secretary of the Interior approves of the valuation and disposition of the minerals in the lands to be patented. A sale of land covered by subsection (j) of section 1 hereof shall be made by the Secretary of Agriculture without a reservation of minerals only after consultation with, and the approval of, the Secretary of the Interior as to the valuation and disposition of the minerals. No lands of the United States shall be exchanged in any case covered by subsection (f) of section 1 hereof unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that such lands are nonmineral in character.

(b) Nothing in this Act shall be construed to authorize the Secretary of Agriculture to determine or adjudicate the validity or invalidity of any mining claim or part thereof.

(c) Nothing in subsection (l) of section 1 hereof shall be construed to authorize the Secretary of Agriculture to dispose of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur, or to dispose of any minerals which would be subject to disposal under the mining laws if said laws were applicable to the lands in which the minerals are situated.

(d) Upon approval by the Secretary of Agriculture pursuant to the provisions of this Act of any exchange or sale, respectively, of national forest lands under the provisions of law referred to in subsections (a), (b), (e), (f), (g), and (j) of section 1, hereof, the Secretary of the Interior, upon the recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(e) All conveyances under the Act referred to in subsection (h) of section 1 hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

Approved June 11, 1960.